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THE

# BORDER-HISTORY

OF

# ENGLAND & SCOTLAND,

DEDUCED FROM THE EARLIEST TIMES

*TO THE UNION OF THE TWO CROWNS.*

COMPREHENDING

A PARTICULAR DETAIL OF THE TRANSACTIONS

OF THE

TWO NATIONS WITH ONE ANOTHER;

*ACCOUNTS OF REMARKABLE ANTIQUITIES;*

AND A VARIETY OF

INTERESTING ANECDOTES OF THE MOST CONSIDERABLE FAMILIES AND DISTINGUISHED CHARACTERS IN BOTH KINGDOMS.

31093

BY THE LATE

REV. GEORGE RIDPATH, OF STITCHILL.

REVISED AND PUBLISHED BY THE AUTHOR'S BROTHER,

REV. PHILIP RIDPATH, OF HUTTON.

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TO HIS GRACE

# THE DUKE OF

# *NORTHUMBERLAND.*

MY LORD,

HAD my excellent brother lived to publish the following Work himself, I am persuaded he would have sheltered it under your Grace's patronage. He always expressed in the strongest terms his gratitude for the affability and condescension that were shewn him, when he did himself the honour sometimes to wait on your Grace at Alnwick-Castle; and he has more than once observed to me, that the Duke of Northumberland would be in all respects the most proper patron, to whom he could wish to dedicate these Annals.

AMONG the distinguished Families on the Borders, the House of PERCY will be allowed to have been one of the most eminent in either kingdom: and to whom could a History of the BORDER-WARS with so much propriety be inscribed, as to the present illustrious Representative of that great Family? Per-

mit me, therefore, with all humility, to lay the following pages at your Grace's feet, and to solicit for the labours of my lamented brother, the favourable acceptance of the DUKE OF NORTHUMBERLAND.

Intermixed with the general History of the two nations, your Grace will find many interesting events, that peculiarly related to the PERCY Family. Indeed for many ages, that martial race were so intimately concerned in all the great transactions of this country, that the following Annals are, in some measure, a regular History of the EARLS of NORTHUMBERLAND, and form an almost continued narrative of the noble deeds and exalted characters of a Family, which being originally sprung from Kings and Princes, hath since its settlement in Britain produced perhaps more heroes and illustrious men, than almost any other family in Europe.

The contemplation of their great achievements will however excite this reflection; that although the ancient scenes of turbulence and confusion exhibited great abilities to view, and brought heroes and warriors upon the stage; yet it is only in times of security and quiet that mankind enjoy the comforts of life; and as the former earls of Northumberland acted a most glorious part amidst the ancient wars on the Borders; so your Grace is much more happily distinguished for all the amiable and engaging qualities which polish and adorn a more tranquil period. To patronize science, to promote agriculture, to clothe those naked and long neglected marches of the kingdom

dom with extensive woods and plantations; to restore, with their fallen seats and castles, the hospitality and magnificence of our ancient barons, has been reserved for your Grace; and you will no less be admired and revered in future ages, for these happier arts of peace than your heroic predecessors for their martial talents.

That your Grace, and your most amiable and illustrious Consort, may long adorn the exalted rank you so worthily possess; and continue to be justly celebrated, as the distinguished patrons of learning, commerce, and of every elegant and useful art; and that your noble descendants may to the most distant ages transmit your honours, and following your examples, may still add new lustre to their high extraction is the sincere and ardent wish of,

MY LORD,

Your Grace's

Most obedient, and

Most devoted

Humble Servant,

PHILIP RIDPATH.

# PREFACE.

THE Borders of the united kingdoms of England and Scotland were, from their situation, the scenes of the military enterprises and exploits that happened betwixt the contending nations. They were likewise the scenes and objects of many a transaction of a civil nature; particularly, of the negociation and conclusion of a very great number of treaties of peace and truce. A regular narrative, supported by the best authorities, of the remarkable events exhibited upon the frontiers of the two kingdoms, is, in the following Work, offered to the Public.

The relations of the military transactions are compiled from the most authentic historians of England and Scotland, and all along connected with so much of the history of both nations, as seems necessary for understanding their circumstances, causes, and consequences; and for conveying to the reader, a knowledge of the characters of the principal persons concerned in these scenes of strife. Aware of the prejudices of the historians on both sides, the Author has been upon his guard, and has endeavoured to conduct his narrative of the Border-Wars with the strictest impartiality. And indeed it required all his caution and prudence, qualities which he eminently possessed, to avoid giving offence to either people, and to steer with safety through so uncertain and difficult a period.

With regard to the civil transactions that happened upon the marches, the Author's account of them is chiefly taken from the valuable collection of archives published by Mr Rymer. This collection contains a series of treaties and original papers relating to the borders, many of which have been but imperfectly considered, and in various instances misrepresented, even by the more accurate and voluminous inquirers of both kingdoms, whose negligence in this respect seems to have arisen from their attention to objects of a more general and interesting nature. The above-mentioned treaties, and those published by Dr Nicholson in his Border-Laws, the Author did therefore peruse, with the greatest care, and gives, it is hoped, a more accurate and better connected account of them than hath hitherto appeared; by which several mistakes committed by the most exact compilers of the Scottish and English histories are corrected, and many of their defects supplied.

The Author hath all along illustrated his narrative with notes, in which he has taken great pains to adjust dates and to remove doubts and difficulties; and

and hath likewise enlivened them with anecdotes relating to remarkable persons and antiquities, which could not with any propriety be received into the text. These short discussions and anecdotes, may probably appear to many readers, the most entertaining, and not the least useful part of the work.

As the first intention of the Author was to publish the history and antiquities of Berwick *, and of the neighbouring country on the eastern border; it must be observed, that the original design had so far engrossed his time and attention, that the events on the East Border are related more circumstantially and at large than those on the West.

It is indeed to be regretted, that the Author did not live to give his finishing hand to his Work, and to publish it himself. But the Editor would fain hope, that the Border-History partakes of fewer disadvantages than most posthumous performances; as it is the fruit of many years incessant application, and as the Author was scrupulously exact in executing every part of his laborious undertaking with all possible accuracy.

The Editor thinks himself obliged to inform the reader, that in the Author's MS. there was a gap of about twenty years of a very busy period on the Borders, in Edward the Third's time, subsequent to that prince's coming to the North to besiege Berwick. This deficiency the Editor was under a necessity of supplying, which he considered as a very difficult task; but fortunately discovered among the Author's papers, some notes that were of great use in filling it up. Some smaller omissions he has likewise supplied; and has added several notes for the illustration of the text where he thought they were wanted.

* The Author publiſhed, in 1764, propoſals for printing by ſubſcription, the Hiſtory and Antiquities of Berwick, and of the neighbouring country on each ſide of the eaſtern border of Scotland and England (by which he meant Berwickſhire, or the Mers, with ſome of the eaſtern and northern parts of Roxburghſhire, on the ſide of Scotland; and thoſe parts of Northumberland and the county of Durham, extending ſouthward as far as Bamborough and Alnwick, on the ſide of England): But he afterwards enlarged his plan, and compoſed the following extenſive work.

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND.

## BOOK I.

IT is agreed by the ablest inquirers into the history of antiquities of Britain, that the first accounts of the island, that deserve any credit, are given us by the Romans. Nor did these conquerors penetrate into the more northern parts of Britain, before the time of Julius Agricola, who commanded the Roman forces under the Emperor Vespasian. This illustrious general began his conquests, by subduing the warlike inhabitants of North-Wales, and the Isle of Anglesey. He afterwards reduced the country north from Cheshire to the Solway Frith; and from thence to the mouth of the Tyne erected a chain of forts, which were afterwards connected by the wall of Adrian, and contributed much to its strength. In his third campaign, which was in the 80th year of the christian æra, he entered the country which was afterwards called Scotland, and penetrated as far as the Frith of Tay *. He appears to have marched through the high country, which lies to the west of the Eastern Lowlands of Scotland; and at proper places in his progress erected forts, by means of which, he maintained, through winter, the ground he had gained in summer. His fourth campaign was employed in thoroughly subduing and securing the countries to the south of the Friths of Forth and Clyde; for which purpose he erected a chain of forts between these Friths, by means whereof, and the Friths themselves, the Northern Britons were shut up as it were in another island †. It is probable that, by these conquests of Agricola, the people inhabiting the country which afterwards became the borders between Scotland and

* The words of Tacitus are, *Vestatis usque ad Taum (æstuario nomen est) nationibus.* Some understand by *Taus*, Tweed; but if Tweed were meant, the name of *Estuary* or *Frith* would not be justly applied to it. Besides, the account Tacitus gives of Agricola's employment in his fourth campaign, shews that he had penetrated in the former far beyond the Tweed.

† It is evident, from various unquestionable authorities, that many ancient writers considered this part of Scotland, as a distinct island, giving it the name of Hibernia or Ierne. See Goodall's learned Preface to the Intention of Bordon.



England;

England; together with the adjacent provinces, betwixt the territories of the ancient Brigantes * on the south, and the Friths of Forth and Clyde in the north; were brought into some degree of civilization, and first taught to abandon their rude and wandering life, in order to dwell in towns and fixed habitations. This great commander employed his three following campaigns, in exploring by his fleet the coasts of Scotland and the adjacent isles, and in prosperous, though difficult expeditions, against the brave
A. D. 85. Caledonians, the inhabitants of the country to the north of the Friths; and had not the jealous tyrant Domitian put a stop to his progress by a sudden recal, Agricola would have probably had the glory of making a complete reduction and settlement of the whole island of Britain under the dominion of the Romans.

What Agricola had so nearly effected, doth not appear to have been farther pursued, either in the remainder of Domitian's reign, or in the succeeding ones of Nerva, Trajan, and Adrian. It is probable, that the terrible defeat given by Agricola to the Caledonians under Galgacus, was followed by such weakness and consternation, as prevented any formidable
A. D. 121. attacks upon the Roman province for a considerable time. But when Adrian made his progress into Britain about thirty-six years after, he either thought it so difficult to maintain the chain of forts which Agricola had erected between the Friths, or judged Northumberland and the southern parts of Scotland to be of so little value, that leaving all that country open to the Barbarians, he raised the famous rampart of Turf 73 miles in length, from the Frith of Solway to near the mouth of Tyne, for the security of the southern and more valuable parts of the island.

Spartian hiſt. Ang. p. 51

About the beginning of Antoninus's reign, the northern Britons having invaded some part of the country adjacent to Adrian's rampart, and which still continued under the protection of the Romans, they were repelled by Lollius Urbicus, and this general, in order to prevent the like incursions, and to re-establish the dominion of the Romans, in the country now called the South of Scotland †, erected an earthen rampart resembling that of Adrian, along the tract between the Friths of Forth and Clyde, where Agricola had built his forts about sixty years before. The geographer Ptolemy, who wrote in the reign of Antoninus, mentions several regions and towns, in his description of the southern part of the island. Of these Tuesis or Tuasis is thought by some to have been the ancient Berwick upon Tweed, bearing that name in common with the river; but the situation of the place, as described by Ptolemy, is not consistent with this opinion.

Capitolinus. Pauſan. in Arcad. Horſley Brit. Rom. 25th Scotiſh inſcription.

A. D. 140.

Gale's hiſt. Brit. Script. tom. 1. p. 738, 784.

Camden.

Capitolinus.

During the forty years that succeeded, wherein the two excellent Antoninus Pius and Marcus Aurelius governed the Roman empire, t

* The Brigantes were the inhabitants of Yorkſhire, Lancaſhire, Weſtmoreland, and C land: but the inhabitants of the Lowlands of Scotland were, before the Romans came r either dependants or vaſſals of the Brigantes; or at leaſt confederates with them, and o race, having the ſame divinity for their particular patroneſs, as appears from the inſcript an altar dug up in Scotland, and inſcribed to the goddeſs Briganta.

ias, in his account of thi‹ matter, ſeems plainly to give the name of *Brigan* nts of the South of Scotland. Goodall's Preface to Fordon, c. 8.

only a general mention of a war with the barbarous nations in Britain, whose commotions were happily suppressed by Calpurnius Agricola. But Commodus, the degenerate son of the last named of these emperors, had not long held the reins of government, until Britain shared in those disorders that naturally arose throughout the dominions of so abandoned and dissolute a monster. A. D. 180.

The * Caledonians breaking through one or both of the walls destroyed the Roman army, slew their general, and committed terrible ravages in the province. Ulpius Marcellus, a man of such eminent virtue and talents, that nothing but extreme necessity could have engaged Commodus to employ him, was sent over into Britain to quell these disorders; and his success in this work was soon so complete, that, in consequence of the defeats he gave the invaders, Commodus assumed the title of Britannicus; and the Roman part of the island, during the rest of his reign, though disturbed by some mutinous commotions of the soldiery, doth not appear to have suffered any more from the incursions of the Barbarians. Dio. A. D. 183.

The dissolute prætorian bands, dreading the severe discipline of Pertinax, the successor of Commodus, put him to death, after he had reigned three months; and having exposed the empire to sale, found a purchaser in Didius Julianus, whose riches were his only merit. The armies in the different provinces, incensed at these proceedings, did, much about the same time, confer the dignity of Emperor on three different generals. Of these Septimius Severus prevailed over his two rivals Pescennius Niger and Clodius Albinus. Albinus commanded the forces in Britain; and having carried over a great number of them into Gaul, he was defeated in that province by Severus. The latter immediately sent over Virius Lupus as his proprætor into Britain, to repel the Barbarians, who, by the diminution of the usual defence of the Roman province, might have been tempted to invade it. Lupus found on his arrival, that the emperor's apprehensions were just, the Caledonians and Mæatæ having committed considerable ravages in the Roman province; but, not having sufficient force to restrain or revenge these injuries, he made peace with them. It is on this occasion that we first read of the Mæatæ †, who appear to have inhabited the lower lands of Scotland, A. D. 198. Herodian, l. 3. Dio, lib. 75. e Theodosio, p. 851. Carte.

* Horsley thinks it most probable that the seat of this war was chiefly between the two walls of Adrian and Antoninus Pius. He observes, that it is probable that the Caledonians had broke through the wall of Antoninus Pius not long after it was erected, and that this may be the reason of our meeting with no inscriptions there, but what belong to that reign; at least no other emperor is expressly mentioned but the first Antoninus, nor is there any certain date but what relates to his time. Brit. Rom. p. 53.

† Their name is derived from the British word *meath* a plain. Dio says, they had no towns; but it is evident from Ptolemy's geography, that there were some towns at that time in the South of Scotland. Dio also mentions Severus's returning, after he had made peace with the Caledonians, into the country of *friends or allies*, (εις την φιλιαν) which Carte interprets of the country between Adrian's wall and the Friths, which though not reduced into the form of a province, was inhabited by people that were dependants and allies of the Romans. [But why may not φιλια denote the Roman province itself?] But that the inhabitants of this country were the Mæatæ of Dio, is inferred from his saying, That, at the time of Severus's expedition, "there were two nations of the Britons that "remained unconquered, the Caledonians and the Mæatæ, whereof the latter dwelt next the

Scotland, while the mountainous parts were possessed by the Caledonians; but it is doubted whether these Mæatæ were the inhabitants of the South of Scotland or of the lower tracts of country to the north of Edinburgh Frith; although the former opinion seems more probable. The ancient historians describe the Caledonians and Mæatæ as entirely resembling each other in their manners and customs, both in war and peace. Their arms were the same as those used by their ancestors in the time of Agricola. For offence they were provided with a short spear, a broad sword, a durk, and javelins; for defence they had nothing but a small target. They lived in tents, having no houses, towns, or tillage. Hence their food was chiefly the milk and flesh of their cattle, and the game they took in hunting, together with the roots and fruits that the soil naturally yielded. They are said to have had some sort of food, or rather medicine, a quantity of which no bigger than a bean, prevented all sense of hunger and thirst; and this they made use of in their long marches. They abstained totally from fish, though their seas and rivers produced it in great plenty. Instead of dress, they painted their bodies, which were mostly naked, with the figures of various kinds of animals. They had * *wives* in common; and property in other matters was very little regarded by them. They were swift and sure of foot; patient of toil, hunger, thirst, and other hardships. They had horses small but fleet, and retained their ancient custom of fighting in chariots. In almost all these particulars, and also in their language, they resembled the Brigantes, with whom they appear to have been originally the same people.

Dion.
St. Jerom.

After the peace which had been concluded with these Barbarians had continued about ten years, they renewed their attacks upon the Roman province, and were at first repulsed by the Roman generals, but returning again to the charge with redoubled fury, they distressed the Roman forces so much, that the governor was obliged to request fresh supplies to be sent him. This engaged the emperor Severus, a prince of a martial spirit and great talents, to undertake in person an expedition into Britain. The restless Barbarians, filled with terror on hearing of the emperor's arrival in the island, sent ambassadors to sue for peace; but Severus having detained them, until he was ready to begin his march, set out with a mighty army, resolving to penetrate to the most distant shores of the island. He was so distressed and infirm with the gout, that he was obliged to be carried in a litter; but the

Herodian. l. 3. c. 46.

Dio, l. 76, p. 866.

A. D. 208.

"wall that divides the island into two parts, and that the Caledonians were beyond these." Now, according to Tacitus, the country of the Caledonians began from Antoninus's rampart; and therefore, the Mæatæ must have lain between the walls of Adrian and Antoninus. That the possession the Romans had of the country between these walls was very short and uncertain, and that Adrian's rampart or Severus's wall was the most usual boundary of the Roman province, is inferred from various inscriptions, found in the stations upon that wall or near it, relating to both former and latter emperors, while there are no such evidences of lasting Roman settlements in the country adjacent to the rampart of Antoninus. Carte, p. 141. Horsley, p. 73. Goodall's Preface to Fordun, c. 8. Innes's Essay, c. 2.

* That the Caledonians had wives in common, the author relates upon the authority of Dio and St. Jerome; and Cæsar gives much the same account of the Southern Britons: there is some reason, however, to think, that their opinion is unjustly founded on the promiscuous manner of living in those nations; so very much different from that of the Romans.

vigour

vigour of his mind, and the severity of his discipline, overcame all difficulties. By the continued hard labour of his soldiers, he opened or made ways over mountains, and through forests and morasses *. At last, returning from his tedious progress, in which he had employed many months, he gave peace to the Barbarians, on their yielding up their arms, and part of their country. But that he did not consider this acquisition of territory as secure, or of much value, appears from his contenting himself with strengthening the antient defence of the Roman province, which Adrian had erected, by building a stone wall in the neighbourhood of that emperor's rampart. This work was completed in the year before he died, and is celebrated by an ancient author as the chief glory of his reign †. Spartian. p. 563.

A. D. 210.

The death of Severus, which happened at York, was probably a deliverance of the northern Britons from utter destruction. For before he died, encouraged, as is likely, by the accounts they had of the declining state of his health, they had violated the late peace, and renewed their hostile incursions. Severus sent out against them his eldest son Bassianus, sirnamed *Caracalla*, with orders to spare neither age nor sex; but the emperor soon after dying, his son, eager to assume possession of the empire, made peace with the Barbarians, by restoring to them the country ‡ they had yielded to his father; and he and his brother Geta, soon after set out to accompany their father's ashes to Rome.

Dio, l. 77. Herodian.

The affairs § of Britain are scarce mentioned by historians, from the time of this expedition of Severus, until the reign of Dioclesian, which was an interval of more than seventy years. Soon after Dioclesian's accession to the empire, Carausius, by birth a Menapian or Batavian, of low extraction, became so formidable, by the riches he acquired in the command he had over the Roman navy, which was stationed at Boulogne, for the defence of the coasts or seas of France and Britain, against the northern Barbarians, that Maximian, Dioclesian's colleague in the empire, gave orders to seize and put him to death: Carausius, informed of his danger, passed over to Britain; where by bribes and caresses he attached wholly to his interests the legion and auxiliary forces there stationed, and, with their approbation, assumed the purple. The power and successes of Carausius at sea, made it so difficult for Maximian to accomplish a descent on Britain, or to defend the neighbouring coasts against his attacks, that he was glad to conclude a peace

A. D. 284. Aurel. Victor, Eutrop. Eumen. Paneg. 9.

A. D. 286.

* What part of their country this was is not clear; it is probable it was the South of Scotland, or the country between the walls. Horsley, p. 62, 63.

† It was this emperor also who divided the Roman province into two governments or prefectures, called Britannia Superior and Britannia Inferior; the former containing the more southern counties of England and the principality of Wales, and the latter the counties to the north of these, so far as the Roman dominions extended.

‡ This, 'tis likely, was the country between the walls, except a few advanced stations; which, by the Itinerary, probably written in the time of Caracalla, appear to have been retained by the Romans.

§ Of the thirty tyrants, by whom the empire was torn to pieces about A. D. 260, Lollianus, Victorinus, Posthumus, the Tetrici, and Marius, seem to have been governors of this island; their coins being daily found in it in great plenty. Camden's Introd. p. 90. Horsley, Br. Rom. p. 68.

with

with him, on the hard terms of acknowledging him as a partner in the empire with Dioclesian and himself. Carausius, thus fixed in the seat of government, exerted his power with great conduct and vigour for seven years. He repelled the northern Barbarians, and according to Nennius, repaired the rampart between the Forth and Clyde, erecting seven new castles to increase its strength.

Hiſtor. Br. p.103. Ed.Gale.

A. D. 293.

Allectus, one of Carausius's officers, having put his master to death, seized the government of Britain, and after having retained it three years, lost his life, in repelling an invasion of Constantius Chlorus, the father of Constantine the Great. The emperors Dioclesian and Maximian had raised Constantius and Maximian Galerius to the dignity of Cæsars; and in the division, which was made at that time of the empire, Britain was a part of Constantius's share; the death of Allectus having put him in possession of the Roman province in that island. He reigned over it all the rest of his life, much beloved by his subjects for his great and amiable qualities. Even the northern people gave him no disturbance, until the last year of his reign, in which he made a successful expedition against them, and afterwards died at York.

Eumen. Paneg. 8.

A. D. 306.

Constantius, about fifteen months before his death, upon the resignation of Dioclesian and Maximian, had, in conjunction with Galerius, been raised to the dignity of Emperor. He declared, on his death-bed, his son Constantine his successor, who was acknowledged as such by the army immediately after his father expired. Helena, the mother of this eminent person, was a native of Britain; and is said to have been the daughter of *Coil* a British prince *, in alliance with the Romans, whose dominions most probably lay in the South of Scotland. Constantine, by force, money, or address, quickly composed the disorders on the frontiers of the province; and Britain, during the rest of his reign of thirty years, seems to have remained in peace. Under Constantine's government, the administration of civil and military affairs in the empire was new modelled; and of consequence new charges and titles of authority were introduced into Britain. The civil affairs † of the empire being managed by four præfects; those of Britain were under the direction of the præfect of Gaul, who exercised his office here by a deputy or vicar. Under this chief deputy, were two other consular deputies, one for each of the provinces, possessed by the Romans; and these latter deputies had under them three judges called Presidents, who determined all causes criminal and civil. The military affairs of the west empire were under the direction of two *Masters of the Soldiers*, one of horse, and another of the foot. To the latter belonged the departmen Britain; and the officers he had in that island immediately subject to were, the Count of Britain, the Count of the Saxon Shore in Britain, and Duke of Britain. The first had the command of the forces in the inte

Am. Mar. Excerpt.

Coilus. Eum. Pan. 9.

Præfecti Prætorio.

See above, p. 5.

Magiſtri Militum.

Camden, Introd p. 95.

* The diſtrict of the ſhire of Air, called *Kyle*, is thought to have borrowed its name fro prince.

† This account given by Camden, ſeems to have been taken by him (ſays Horſley) c from the Notitia, and Pancirollus's annotations on it. According to Horſley's obſervations, it is not altogether correct. Br. Rom. p. 71.

part

part of the country, the second was charged with the defence of the coast against the Saxons, and the last with the defence of the northern marches against the Barbarians. This Duke of Britain, had the command of thirty-eight garrisons, consisting of fourteen thousand foot and nine hundred horse; which was more than two-thirds of the whole Roman forces in the island. There is little evidence of any considerable progress made by Christianity in the Roman province, before the reign of Constantius and his son Constantine; the former of whom shewed great favour to Christians, and the latter openly professed their religion. The British church in the time of Constantine had grown so considerable, that bishops were sent from it, to attend councils on the continent. Carte.

Upon the death of Constantine in 337, Britain, in consequence of the division of the empire made by that emperor among his three sons, became subject to Constantine, the eldest of them. This prince being slain about three years after, in a battle with his brother Constans near Aquileia, the latter obtained the possession of Britain, together with the rest of the western empire. Constans after having reigned about ten years, was deposed and slain by Magnentius; and this cruel tyrant having kept the western empire in subjection about four years, was overcome and pursued to destruction by Constantius, who, in consequence, became master of the Roman empire in its whole extent, and continued so to his death, which happened seven years after that of Magnentius. Julian, the cousin of Constantius, and who, before the death of the latter, was far advanced in the enterprise of deposing him, was his successor in the whole empire; but after enjoying it about twenty months, was slain in his expedition against the Persians; and in him ended the imperial line of the family of Constantine. The history of these emperors contains very few events relating to Britain. It is however in this period that the Scots begin to be mentioned along with the Picts, as distressing by their incursions the Roman province. Constans made an expedition against them in the year 343: and the year before Constantius's death, Julian sent over Lupicinus, a man celebrated for his military talents, to defend the province against the same invaders *.

A. D. 310. Libanius. Am. Mar. A. D. 361. A. D. 363. Ammian. A. D. 360.

Jovian,

* The Scots are, after this period, mentioned by historians as the allies of the Picts, and as almost always combined with the latter in their incursions into the Roman province. The novelty of their name, and their being first heard of about this time, gives countenance to the opinion of their having passed over from the continent into Britain, in some of the migrating shoals so common in those days. The conformity of their language, manners and customs, to those of the old Irish, shew these latter and the Scots to have been originally the same people; and the Irish, as their traditions report, derive their ancestors from Spain. What renders this probable is that in the ancient names of some places and people settled in the north of Spain, there are vestiges of a Scythian extraction: and this leads also to a probable etymology of the name of *Scoti*, which differs not much from *Scythae* or *Scytae*. Camden observes, that the Britons in their ancient tongue, call both the nations, *Scyths* and *Scots*, by the same name. And the Germans, as it is remarked by Innes, name the *Scyths* and *Scots* by the same word *Scutten*. The name of *Scots*, for a long time, was given promiscuously to the Irish, and to the inhabitants of the western highlands and isles of Scotland, and the country of the former was also called *Scotia*. The Scottish historians derive Fergus their first king from Ireland; and Bede, who is several centuries older than the oldest remaining historians of the Scots, and by his vicinity to Scotland had access to know the traditions prevailing amongst that people in his time, relates, that the Scots of Ireland, passing over from that island, under the conduct of Reuda, obtained from the Picts,

Innes's Crit. Ess. p. 538,—544.

Hist. Ecc. b. 1. c. 1.

Jovian, the successor of Julian, after reigning only eight months, was succeeded by Valentinian; during whose reign Britain continued to be more and more

A. D. 364.

Picts, either by *force* or *friendſhip*, the country that they afterwards poſſeſſed. According to the ſame author, the Picts came originally from Scythia, which may well enough be underſtood to denote Denmark, Norway, and the other countries round the Baltic; and took poſſeſſion of the northern parts of Britain; to which the Britons, the inhabitants of the ſouthern parts, and who came originally from Gaul, had not yet extended themſelves. The Picts, in their migration, having been driven round the north of Britain, on the coaſts of the Scots in Ireland, were directed by them to ſettle in the vacant part of the great iſland they had left behind them, to which they accordingly returned; the Scots are alſo ſaid to have given them their daughters for wives, which was the beginning of a cloſe and laſting alliance between the nations.

Goodall's Preface to Fordun, p. 7. Preface to Temora.

Againſt theſe traditions, which muſt be allowed to be very vague, and in ſome reſpects improbable, are brought as evidences of the internal kind, that the Scots and Picts were originally from Gaul, as well as the Britons; and that probably they were the firſt colonies that came from that country, and were driven northwards by others of the ſame race who ſucceeded them, and by the Roman conqueſts. Their name of Caledonians, the moſt ancient of the names given them by the Roman hiſtorians, denotes Gauls or Celts of the Hills. The people themſelves call their language Galic. Many Celtic words are found in it. Their country they call Albin, and themſelves Albanich, from the moſt ancient known name of the iſland. It is affirmed by thoſe who are acquainted with their language, that when compared with the Iriſh, it bears evident marks of being the original tongue, and that the Iriſh is only a dialect of it. There is no veſtige of any tradition amongſt them of their having come over from Ireland. On the contrary, their moſt ancient poems, which in the main ſeem to be founded on truth, derive the northern Iriſh from *them*. In the inconſiderable remains alſo of the Pictiſh language, in the names of ſome of their kings, and of the rivers and mountains of their country, there are the ſame traces of a Celtic extract: whence it is inferred, that the Scots and Picts were originally the ſame people; but in proceſs of time, became conſiderably different, in their manners, cuſtoms, and dialect, from the difference between the countries they inhabited, and the different kind of life which, in conſequence thereof, they led. The nature and poſition of the country of the Picts made them alſo much more liable than the Scots to admixtures of other people; and it is conjectured that great numbers of the ſouthern Britons, taking refuge amongſt them from the Roman tyranny, taught them the cuſtom of painting their bodies, which was never done by the ancient inhabitants of the Highlands, and was diſuſed by the provincial Britons after their becoming ſubject to the Romans. And hence, from this cuſtom, the lowland Scots were by the Romans called Picts.

Edw. Llhwd.

Camden's Britan.

There is another etymology given us of the names, Scots and Picts, by the Rev. Dr M'Pherſon, in his Critical Diſſertations, which the author would have probably taken notice of in the foregoing note, had the Doctor's book been publiſhed when he was employed in this part of his work.

This ingenious author obſerves, that in the Galic tongue *Scode* ſignifies a corner, or ſmall diviſion of a country; that *Scot*, in the ſame language, is of much the ſame import with *little* or *contemptible*; and that *Scottan*, literally ſpeaking, ſignifies a *ſmall flock*, and metaphorically, it ſtands for a *ſmall body of men*. For ſome one of the reaſons couched under theſe diſparaging epithets, he thinks it probable, that the Picts, who were at firſt more numerous and powerful than the Caledonians, gave the opprobrious appellation of *Scot* to the anceſtors of the Scotiſh nation.

With regard to the Picts, he informs us, that the Highlanders who ſpeak the ancient language of Caledonia, expreſs the name of that once famous nation who were at laſt ſubdued by the Scots, by the word *Pictiſh*; and that one of the ideas affixed to the word *Pictdich* or *Pictiſh*, is that odious one which the Engliſh expreſs by the word plunderer, or rather thief; and therefore he thinks it not unlikely, that their neighbours may have given that title to a people addicted to theft and depredation. See M'Pherſon's Diſſertations on the Antiquity, &c. of Scotland, p. 107, 108, 111.

The Rev. Mr Whitaker, a learned antiquarian, and a man of genius and penetration, in his genuine hiſtory of the Britons aſſerted againſt Mr M'Pherſon, gives a very probable account of the firſt peopling of Britain and Ireland, and of the etymology of the names of theſe iſlands and their ancient inhabitants.

According

more infested by Barbarians. The Scots and Picts, combined with the Atacotti and Saxons, over-ran the whole province; committing every where the most dreadful depredations. Nectaridius, the count of the sea coast, and Fullofaudes, the imperial general, together with a great part of the Roman forces under their command, were slain by those invaders. The emperor informed of these disasters, after trying in vain some other methods to restore quiet and safety to his British dominions, found himself obliged to send over Theodosius, the father of the emperor of that name, at the head of a considerable body of good forces, both legionaries and auxiliaries. Theodosius was one of the most illustrious commanders of that age; and added greatly to his fame, by the address, activity, and resolution he displayed, in repelling the Barbarians, and restoring peace and security through the British province: he pursued with unremitting vigour the invaders both by land and sea; until he had fully recovered all that the Romans had ever possessed in the island. He repaired the walls and forts on the northern frontiers; and having subdued and settled in peace the country betwixt the wall of Severus and the rampart of Antonine, which had been for some time possessed by the Barbarians, he added it as a fifth province to the * four, into which the southern part of the island was divided. A particular president or governor was set over it; and by order of the emperor it received the name of Valentia †. The late calamities of the Roman province had been very much owing to the negligence and corruption of the persons intrusted with its defence; of whom none were found more guilty, than those employed on

Ammian. l. 28.

A. D. 368.

Ammian. ibid.

According to this author, Britain was peopled from Gaul, about 1000 years before the Chriſtian æra commenced; and Ireland received its firſt inhabitants from Britain about 350 years before Chriſt, and was afterwards ſupplied with freſh ſwarms of people from the ſame country. The firſt ſettlers in Ireland, originally denominated Gael and Britons, Mr Whitaker obſerves, received the deſignation of *Scoti* as the diſcriminative mark of their emigration from Britain. To this day, he ſays, the Iriſh diſtinguiſh the Scottiſh language, by the title of *Scot bhearla*, and the Scottiſh nation by the name of *Kin-Scuit*. And *Scuite*, he adds, ſignifies in the Iriſh of the Highlands of Scotland at preſent, an emigrant, a wanderer, and a refugee. Mr Whitaker farther informs us that a colony of Scots from Ireland, under the command of Fergus, ſettled in Argyleſhire and the counties adjacent, with the abſolute conſent of the Caledonians, the ancient inhabitants of the country, in the year 320; and firſt fixed the appellation of Scots in the iſland of Britain; by which name the whole inhabitants of North Britain were afterwards diſtinguiſhed. The ſame author gives an etymology of *Pict*, different from that of Dr. M'Pherſon. See Mr Whitaker's arguments and authorities in the work above mentioned, and in his Hiſtory of Mancheſter.

* The names of the four provinces into which the Southern parts of Britain were divided, were, Flavia Cæſarienſis, Britannia Prima, Britannia Secunda, and Maxima Cæſarienſis. When this diviſion took place is not certainly known.

† Camden (Vol. II. Brit. c. 1047.) Gale and others, are of opinion, than Valentia was the South of Scotland, together with Northumberland; or the country between Severus's wall and the Friths of Forth and Clyde: but to others it ſeems more probable, that Valentia was ſome part of the country next to the wall on the ſouth, which the Barbarians had ſeized and Theodoſius recovered. This opinion is favoured by the Notitia Imperii, which was written after the conqueſts of Theodoſius, making mention of Valentia, as one of the governments into which Britain was divided, and yet not taking notice of one ſtation or garriſon beyond the wall of Severus. Beſides, in the inſcriptions found nigh Antoninus's wall in Scotland, there is mention made of ſo few Emperors, that this wall appears not to have continued long as a fixed boundary between the Romans and the barbarous nations. Brit. Rom. p. 73. 479. Præf. ad Fordun.

the frontiers. An order of men distinguished by the name of Areani, had been established by the Romans on the extreme borders of their dominions, to discover and give speedy intelligence of the motions of the Barbarians. Those employed in this service, on the marches towards the Scots and Picts, Theodosius cashiered, and dismissed with disgrace, having convicted them of various abuses, and particularly of having been seduced by bribes to give intelligence to the enemy.

A. D. 379. Zozimus, l. 4. Pacat. Paneg.

Valentinian, dying in 375, was succeeded in the western empire, by his son Gratian, who four years after, assumed Theodosius, the son of the famous commander of the same name just mentioned, as his partner in the empire. Maximus, a Spaniard by birth, had at that time the command of the army in Britain; and having served there, under Theodosius the father, in the same rank with that general's son, who was now raised to the purple, his envy and resentment on that account are said to have co-operated with his ambition, in making him aspire to the same dignity. His reputation and talents being no way inferior to his high views, he easily gained over the army, and was by them saluted Emperor. Having acquired a farther increase of fame, by repelling and routing the Picts * and Scots, he passed over into Gaul, accompanied not only by the Roman forces, but by a vast number of the British youth. His good fortune attended him to the continent, where having defeated and slain Gratian near Lyons, he held Gaul, Spain, and Britain, the countries that had been subject to that emperor, for five years. But his ambition inciting him to make a conquest also of Italy and Africa, which were subject to Valentinian the brother of Gratian, Theodosius interposing in the defence of the young prince, defeated the armies of Maximus, and the tyrant himself being seized, was put to death near Aquileia.

A. D. 383.

A. D. 388.

A. D. 392.

Four years after Valentinian was cut off by the treachery of Arbogastes, a Frank, who had been first promoted by Gratian, and during the childhood of Valentinian had been raised to the chief command of the army, by the choice of the soldiers. In the room of Valentinian, Arbogastes raised to the empire of the west, Eugenius, a creature of his own: but both the one and the other were soon after conquered and destroyed by Theodosius. Under this emperor Chrysantus acquired great fame, by his wise and vigorous administration of the affairs of Britain. Soon after, Theodosius dying, left the empire to his two sons Arcadius and Honorius; the latter being a mere child under the tuition of Stilicho. The reigns of these two princes proved a period very fatal to the empire, by the incursions of innumerable swarms of Barbarians on all sides. Stilicho, an able statesman and general, though of insatiable ambition and covetousness, repelled for a while, with

Socrates.

A. D. 394.

A. D. 395.

* According to the Scottish historians, Maximus encouraged and assisted the Picts in a cruel war against the Scots, in which the greatest part of the latter nation, with their king Eugenius and his son, being cut off, those who remained, rather than submit to the tyranny of their conquerors, retired to Ireland and Norway. Fordun, l. 2. c. 27. But this calamity of the Scots is placed by Fordun about the year 360, which was long before the time of Maximus. The learned author of the Preface to the last edition of Fordun renders the history of the expulsion of the Scots from Britain very doubtful. Cap. 6. See also Innes, p. 652.

much

much glory and success, the fierce and numerous invaders. He is in particular celebrated by Claudian, for the effectual measures he took to defend Britain against the Scots, Picts, and Saxons. But when Alaric the Goth, had entered Italy in 403, Stilicho was obliged to recal * the legion, employed in defence of the northern frontiers of the British province. Claud. de Laud. Stilic, et in Eutropium. A D. 403.

About four years after, such multitudes of northern nations poured into Gaul, and there fixed their abode, that the communication between Rome and Britain was almost wholly cut off. This afforded a pretence for the Roman soldiery still remaining in the island, to elect an emperor for their own protection, and for repelling the Barbarians. Not being content with the choice they had made, first of Marcus, then of Gratian, they soon put them to death; and afterwards chose Constantine a common soldier, on the account of his name, which being the same with that of Constantine the Great, who had been raised to the imperial dignity in this island, they regarded as a happy omen of success. Nor were their hopes altogether frustrated: for Constantine passing over to the continent, reduced to his obedience a great part of Gaul and Spain, and Honorius, unable to resist him, acknowledged him as his partner in the empire. But Constantine, encouraged by the success of Alaric the Goth, who took and sacked Rome in 410, soon after entered Italy, with a view of seizing the few provinces which still continued subject to Honorious. But a traitorous servant of Honorius, with whom Constantine corresponded, being detected and put to death, Constantine returned quickly into Gaul, whether he was soon after followed, and besieged in Arles, the usual seat of his empire, by Constantius, an able general sent against him by Honorius. By this time Gerontius, one of the chief props of Constantine's greatness, had rebelled against him, put to death his son Constans, and conferred the title of Emperor on Maximus, a creature of his own. On the other hand an army of Franks and other Germans, under Edobeccus, attempted to raise the siege of Arles. Constantius prevailed against both the friends and enemies of Constantine; and reduced him to the necessity of surrendering himself and his son Julian prisoners, on the promise of their lives being saved. But this engagement was disregarded by Honorius; who ordered them both to be put to death. A. D. 407. Sofomen. l. 9. A. D. 411.

When the power of Constantine grew contemptible by the indolence and luxury into which he sunk, soon after he had established his dominion on the continent; when his authority was farther weakened by the rebellion of Gerontius; while at the same time Italy, and Rome, the ancient seat of empire, became the prey of the Goths; the inhabitants of Britain, and of the maritime coasts of Gaul, endeavoured to provide for their security, by establishing governments of their own modelling, and asserted their ancient Zozimus

* For this we have the authority of the same poet; which seems to be one of the clearest evidences of the Scots being at that time settled in Britain, near the limits of the Roman province.

Venit et extremis legio prætenta Britannis.
Quæ Scoto dat fræna truci, ferroque notatas
Perlegit exanimes, Picto moriente, figuras.——CLAUDIAN.

independence, by expelling the Roman governors, where any such remained. But these efforts proved in both countries very insignificant, against the multitudes and ferocity of barbarous invaders. The Britons were the less able to repel these Barbarians, as both Maximus and Constantine had carried over to the continent, vast numbers of the men fittest for war, who never after returned to their native country. Being therefore reduced to great extremities, by the repeated invasions of the Scots and Picts, they had recourse to the Emperor Honorius for aid; who judged it so impracticable to restore or maintain the Roman power in Britain, that, instead of sending them forces, he exhorted them to take courage and exert their own strength in defence of their country. But their distress still continuing, they renewed their supplications, entreating the emperor to send to their assistance a single legion. A legion was accordingly sent, which encountered and destroyed a great number of the invaders, and obliged the rest to retire beyond the Friths of Forth and Clyde. By the advice of the Roman commanders, who were soon obliged to return with the victorious legion into Gaul, the Britons repaired the walls of Antoninus, for a bulwark against the northern invaders: but the materials employed in this work, being only sods and earth, the Barbarians soon broke through it, and passing at the same time the Friths in their curroghs, plundered and destroyed the unhappy Britons with the same cruelty as before. In these circumstances, supplications for aid were again renewed in the most piteous strain, to their ancient masters and protectors; whose condition by this time at home, was little better than that of their suppliants. Another legion however was obtained; which arriving in harvest, when the Scots and Picts were scattered over the fields, destroying, or reaping securely, the fruits of the labours of their wretched neighbours, spread among the plunderers a general consternation and destruction, the few who escaped retiring beyond the Friths, whether they used to carry off the booty they gained in their annual incursions. The Romans likewise assisted the Britons in repairing the stone-wall of Severus, which was a bulwark of far greater strength than the rampart of Antonine, and free from the inconveniency of the adjacent Friths, which the invaders easily crossed in their small vessels. To guard however against such descents on the south of the repaired wall, towers were erected near the coasts, from which there was an extensive prospect into the sea. The Romans also, who, while, the lords of Britain, industriously kept the inhabitants ignorant of every thing relating to the military art, now gave them patterns to direct their workmen, in making arms; and having endeavoured to rouse a military spirit by their exhortations, bade the island a final farewell. The time when these two legions were sent into Britain is somewhat uncertain. If, as is related by some authors, they were sent over by Actius the great minister and general of Valentinian II. and if the last of them was commanded by Gallio of Ravenna, they must have come into Britain in the year 425 and 426. But the venerable Bede seems to place the expeditions of these legions, before the end of the reign of Honorius, which happened in 423.

Gildas de Exid. Brit. c. 11, 12, 13, 14.

Bed. l. 1: c. 12.

Carte, vol. i. p. 172.

Lib. i. c. 12, 13

The

The departure of the Romans, which the declaration they had made, of their not intending to return, could not be long concealed from the Scots and Picts, who apprehending no farther disturbance, from a people that had been so long a terror to them, passed their Friths in great multitudes, and took possession of the country to the south of them, as far as the wall. They proceeded next to attack the wall itself, assailing with their missile weapons its timid and unwarlike defenders, and pulling them with hooked darts to the ground. The Britons, unable to bear such furious and repeated assaults, abandoned their bulwark, and the fortified towns in its neighbourhood; their relentless adversaries pursuing them with fire and sword, and spreading desolation into the most distant parts of their country. The miserable Britons sought shelter in their woods, mountains, and caves, and many of them purchased their lives at the price of their liberty. But the invaders growing secure by the long impunity wherewith they had carried on their ravages, those Britons who had not submitted to the yoke, suddenly breaking forth from their retreats, attacked their scattered foes, made a great slaughter of them, and obliged the rest to seek their safety by a precipitate flight. The Scots, after their loss, are said to have retired to their Highlands and Isles, from whence they were not long in returning; and the Picts thenceforth contented themselves with their settlements to the north of the wall; from which they sometimes made plundering inroads into the lands of their enemies, on the south of it.

Bed. l. 1. c. 12. Gildas, c. 15.

Besides the ignorance and inexperience of the Britons in the art of war, another principal cause of the extreme impotence and misery into which they fell, after the departure of the Romans, was the want of a common head, to combine and direct their councils and efforts. Their situation with regard to government, became much the same, as when the Romans first arrived in the island. A number of little potentates, bearing the titles of kings and princes, were raised to the sovereignty in different districts, who tyrannized over their subjects; and instead of resisting the common enemy, were embroiled in perpetual quarrels with each other. At length a sense of their common danger, determined them to confer the chief command of their armies on Vortigern, who was originally king of a small part of Wales; and had acquired great fame, by some successful exploits in war. Vortigern was ambitious of extending and retaining his power, and with this view was the chief author of the desperate and fatal mesure of calling over the Saxons to Britain. Certain intelligence was pretended to be received, of a design formed by the Scots and Picts, to invade and totally to subdue the southern parts of the island; and a general council of all the British chieftains was summoned to concert measures for opposing their adversaries. At this council it was proposed by Vortigern, and by a general infatuation agreed to by all the rest, that the Saxons should be invited and intreated to come over to their assistance, and should have the isle of Thanet on the coast of Kent, assigned to them for a place of habitation and settlement.

Carte, vol i. p. 190, from Welch authors.

The Saxons were a numerous and warlike people, who inhabited the north-eastern parts of Germany, and part of the peninsula of Jutland. They were still

A. D. 449. or 452.

still Heathens, and had long, by their piratical descents and devastations, been the terror and scourge of the coasts of Britain and Gaul. The first colony of them, which, at the request of Vortigern and his fellow-potentates, came over to Britain, was commanded by Hengist and Horsa, two brothers, deriving their descent from Woden, who was worshipped by their nation as the God of war. Their followers could be but a small number, being all brought over in three ships. Vortigern, immediately after their arrival, led them against the northern invaders, who had penetrated into Lincolnshire; where, being encountered by enemies whose appearance and close manner of fighting were equally new and dreadful, they were quickly discomfited and repelled. The Saxon leaders, observing, in this expedition, the fertility of the country, and the miserable weakness of its inhabitants, soon sent information of these tempting circumstances to their friends and countrymen, to excite them to come over in greater numbers. Not long after the arrival of Hengist and Horsa, their brother Octa and his son Ebusa conducted a fleet of forty vessels to the northern coasts of the island; probably intending by a settlement there, to divide the forces of the Southern Britons and thereby to forward the projected conquest of their country.

Chron. Sax.

The views of the Saxon leaders to render themselves masters of the country and people, whom they had come over to aid as allies, soon became evident. But the Britons made a long and obstinate resistance; and probably the want of union and concord amongst themselves, was the chief reason of their being in the end subdued by their fierce and numerous invaders. A bloody war was carried on between the nations for more than a hundred years: the events of which are recorded in a very confused and imperfect manner, and are so blended with fables, that it is impossible, in many instances, to distinguish and ascertain the truth. Such was the natural consequence of the general darkness of the age, of the barbarity of the invaders, and extreme wretchedness of the invaded. The great heroes, who appeared in defence of the Britons, were Aurelius, Ambrosius, and Arthur, princes of certain districts in the south western parts of England. The scene of the atchievements of the latter was very extensive. He fought and conquered in various parts of the island, and according to some, the first of his twelve famous battles, was fought at the mouth of Glen, which runs into the Till, near the south east corner of the plain of Mill-field. Arthur was mortally wounded in the battle of Cambalon, in the year 542.

Nen. Hift. Brit. c. 63. Huntingdon, p. 313.

The renewed invasions of the Saxons, and their wars with the Britons, issued in the establishment of seven Saxon kingdoms, commonly known by the name of the *Heptarchy*. These kingdoms were erected at different periods; as the different Saxon leaders made their successive invasions, and surmounted the opposition they had to struggle with. Among these Octa the brother of Hengist, and Ebusa, Octa's son, passing over at Hengist's call from the Continent in forty ships, after some vain efforts of the Picts to expel them, made good a settlement, which for about a hundred years continued to depend upon the kingdom of Kent. The Picts, who, from the time of the departure of the Romans, had possessed the country on the north

Nen. Hift. Brit. c. 67. Malmes l. 1. c. 3.

north of the wall, either now yielded that part of their dominions wholly to the Saxons, or shared it with them: and Drostan, who was then king of the Picts, entering into a league with them, they waged war jointly against the Britons, who are said to have been aided in these wars by the Scots. During this first period of the settlement of the Saxons in the northern parts of Britain, their history is involved in the greatest obscurity. It is agreed that the first who acquired among them the title of a king was Ida. This prince, like the other Saxon monarchs, derived his descent from Woden, from whom he is said to have sprung by the line of Woden's third son. He brought over with him from the Continent, an army of his countrymen in sixty ships, with which he landed at Flamborough: and his high extraction, joined to talents for war and government that were worthy of it, soon raised him to the royal dignity over the companions of his expedition, and those of his countrymen who were already settled in these parts. His dominions seem to have consisted solely or chiefly of the country called Bernicia *, which was the name given by the Saxons, to that part of England which lies to the north of the river Tyne, or wall of Severus; and which extended, during some part of the Saxon government, as far as the Edinburgh Frith. This first king of the Northumbrians built the castle of Bamborough on the sea-coast over against Fern-Island, in a situation very strong and conspicuous; and in honour of Bibba his queen, gave it the name of Bibbanburgh, which in progress of time was afterwards contracted into the name it now bears: the reign of Ida was contemporary with that of the Scottish king Eugene III. who, firmly maintaining the alliance which his predecessors had made with

Chron. Sax. Bed. l. 3. c. 6.

* The limit of Bernicia on the south is sometimes said by the ancient English writers to be the Tyne, and sometimes the Tees. In the same manner its northern limit is sometimes said to be the Frith of Forth, at other times the Tweed. It is probable that, at different periods of time, its actual limits did thus vary.

Nennius represents the Saxons under Octa and Ebusa, as receiving this country by the gift of Vortigern; but Vortigern had it not to give. He says, that these invaders having sailed around (*circa*) the Picts, laid waste the Orkney Islands, and then came and seized several districts beyond the Frith, (Mare Freticum) which he describes as lying between the Saxons and Scots, as far as the confines of the Picts, that is, their confines with England. Malmsbury says, that having in several conflicts, overcome the inhabitants who resisted, they admitted the rest to terms of peace; but that they continued a hundred years, all but one, content with their dependence on the kings of Kent: at the end of which period their dependent state (Ducatus) was changed into a kingdom *; Ida being advanced first among them to the royal dignity, but whether by conquest, or the choice of his subjects, he could not determine. Fordun relates, that Octa and Embusa (Ford. Embusa) came to settle in the northern parts, in consequence of an embassy sent beforehand from Hengist to Drostan the Pictish king, and a confederacy concluded between these princes, whence the Saxons were heartily welcomed by the Picts, and making an addition to their strength, by degrees engaged them in wars with the Scots and Britons. Bede (l. 1. c. 15.) who may well be considered as the best of these authorities, mentions a league which the Saxons soon concluded with the Picts. Vaughan in his remarks on the British Cronology says, that the Saxons and Picts were mingled together, and lived in a very friendly manner all over Lothian, and even in the city of Edinburgh, for above 120 years after, at the time of the battle of Arderydd.

*See note p. 16.
Ford. l. 3. c. 17.

Carte, vol. 1. p. 195.

Nennius c. 64. says, that Ida was the first king of Bernicia, that is, adds he, Iberneick. Flor. Vig. mentions also Ida as the first king of the Bernicians. The etymology of Berwick, as expressing *a town of the Bernicians*, is not the least probable of those given by Camden.

the

the Britons, was, in conjunction with them, engaged in continual wars, with various success, against their common enemies the Picts and Saxons.

Taliessin, a British Poet quoted by Carte vol. i p. 209.

Ida, after a prosperous reign of twelve years, was slain in battle, by Owen, son of Urian Rhegad, a gallant Briton. After his death, the country of the Saxons to the north of the Humber, became divided into two kingdoms, that part of it which lay between the southern frontiers of Bernicia and the Humber, bearing the name of Deira. Bernicia continued subject to the descendants of Ida; and Deira * was governed by Ella, a kinsman of Ida, tracing his original to Woden in a different line. The reigns of the six immediate successors of Ida † were short, and without any events that are marked in history. Ethelric the last of those six, and one of Ida's sons, mounted the Bernician throne in the year 586; but was so much exhausted by age and infirmities, that the government, during the seven years of his reign, was wholly in the hands of his son Ethelfrid. Ella king of Deira dying in 588, whose history is equally obscure with that of his cotemporary kings of Bernicia, gave the ambition of Ethelfrid a favourable opportunity of reducing the two Northumbrian kingdoms into one. For although he had married Acca the daughter of Ella, he scrupled not to avail himself of the minority of his brother-in-law Edwin, who was a child of three years old at his father's death, to possess himself of Deira. This great enlargement of his dominion, joined to his martial spirit and thirst for glory, made Ethelfrid a very formidable prince. He conquered and planted with his Saxons, or rendered tributary, more of the country possessed by the Britons, than any other of the Saxon potentates; and gave Aidan king of the Scots, who, as an ally of the Britons, invaded his dominions with a very numerous army, so terrible an overthrow, that the Scots did not attempt any expedition into the country of the Saxons for several generations following ‡.

Malmef. Chron. Sax.

Bed. l. 1. c. 34.

A. D. 603.

Meanwhile Edwin the heir of the late king of Deira, who, on Ethelfrid's usurpation of his father's dominions, had been conveyed to some safe retreat, grew up to maturity. He had found protection in his tender years in some of the British and Saxon kingdoms; but the power and greatness of Elthel-

Gul. Malm. p. 18.

* Selden represents the principalities of Deira or Deireland and Bernicia as earldoms given in perpetuity; of which the instances were not frequent during the Saxon period. These *Eoldordoms*, says he, began in Oita, brother to Hengist king of Kent, and Ebusa his son, who having conquered by Hengist's commission those northern parts, held them as Eoldordoms or Earldoms, of the kings of Kent, and by that name transmitted them to their heirs, who used no other title than Eolderman or Dux or Comes, until Ida in 567, took on him the name of king of all Northumberland. Tit. Hon. p. 511.

† These were Glappa, who died in 560, Adda in 568, Ealdric (al. Ethelric) in 575, Theodric in 579, Frithwold (al. Fridwald) in 586, Ethelric (al. Hussa) in 593, Carte's Table Sax. Dun. in Pref. Hoved. Prol. p. 401. Nenn. Ap. 1.

‡ Bede says, that they had not done it, from the time of that overthrow, until the time he was writing his history; that is about the year 730. This battle was fought at Degsastan, which Bede calls a most famous place, perhaps from the fame of that battle; but it is now wholly unknown. There is some resemblance to the name in Detchin. Dr Gibson, in his explication of names of places subjoined to the Saxon Chronicle, thinks it is Dauston near Carlisle in Cumberland. The bishop of Carlisle thinks, it was Dawston near Jedburgh. Smith Not. ad Bed.

frid,

frid, rendered the exercise of hospitality, towards the young rival of his throne, very hazardous. Hence the exiled prince became involved in great difficulties, and was often obliged to change his habitation. His last refuge was at the court of Redowald king of the East Angles: Redowald was a brave prince, but Ethelfrid had far more power; and the danger from this power was greatly increased by its propinquity. The Northumbrian king employed both promises and threatenings, to induce Redowald to deliver up Edwin into his hands. The danger at last appeared so eminent, that Redowald resolved for his own safety, to deliver up the unhappy refugee, notwithstanding the promises of protection he had given to Edwin, upon his arrival at his court. At this critical moment Redowald's queen interposed, and represented to her husband, in such horrid colours, the baseness of the deed he was about to commit, that he altered his purpose, and resolved to run all hazards, rather than thus stain his honour and truth. Accordingly, having absolutely rejected all Elthelfrid's instances, he led an army against him with great expedition; placing his hopes of success in a sudden and vigorous attack. Ethelfrid disdaining to be thus braved, met his adversary near the river Idle, in Nottinghamshire; with an inferior force; and fell, fighting bravely in the field of battle, after having reigned twenty-four years. Edwin, who had a great share in obtaining this victory, was at once raised by it, to the possession of all the dominions of Ethelfrid, whose sons were obliged to abandon their father's kingdom and seek refuge in Scotland. Eugene, sirnamed Buyd, the son of Aidan, reigned there; and notwithstanding the fatal overthrow given about fourteen years before by their father to his, he received and entertained them with much hospitality. Edwin, exalted to power in mature years, and his virtues and talents having undergone the discipline of adversity, soon became the greatest prince of the Heptarchy. He was one of those, who by reducing to a state of dependence the other kingdoms, attained the dignity and title of *Monarch*; and was the fifth who was distinguished by that appellation. It is related, that he subjected to his government, the whole of Britain inhabited either by the Britons or Saxons, and reduced the Isles of Man and Anglesey under the power of the English. But a principal part of the eminence and fame of Edwin: arose from his being the first christian king of Northumberland. About twenty years before the beginning of Edwin's reign, Ethelbert king of Kent and his subjects, had been converted to the christian faith, by the ministry of the Monk Augustine, who was sent for that purpose from Rome by Pope Gregory, sirnamed the Great. Ethelbert, having married Bertha a christian princess, the daughter of Caribert king of Paris, permitted her the free exercise of her religion; and it was chiefly the zeal of that princess, and her influence with her husband, that procured the mission of Augustine, and his favourable reception at the court of Kent. A like influence operated with equal success in the first conversion of the Northumbrians to christianity. Edwin, during his exile, had taken to wife Quenburg, daughter of Ceol king of Mercia, who bore him two sons Osfrid and Edfrid: but after her death and his own advancement to the Northumbrian throne, he solicited,

Chron. Sax. A. D. 617.

Ford. l. 3.

Bed. l. 2. c. 5, 6, 9.

Eadbald, who had succeeded his father Ethelbert in the kingdom of Kent, to give him his sister Edelberga to wife. This request could no otherwise be obtained, than on the condition that the princess, with all her attendants, should have entire freedom to observe the christian faith and worship. Edwin readily engaged to grant the desired liberty; and even expressed a willingness on his own part, to be instructed in the christian doctrine. Appearances so promising, encouraged the king of Kent to send along with his daughter an eminent churchman named Paulinus, who before his setting out, was ordained a bishop by Justus archbishop of Canterbury. Edwin is celebrated for making the merits and evidences of christianity the subject of his serious and mature examination, before he determined to embrace it. He first allowed Paulinus to baptise Eanfled, his infant daughter by Edelberga, and about a year after was baptised himself at York, in a church built hastily of wood, and dedicated to St. Peter. He appointed York to be the seat of Paulinus's bishopric; and by the advice of that prelate, set about building a large * church of stone, inclosing and comprehending within it the wooden fabric just mentioned. Edwin's conversion was accompanied with that of his family and nobles, together with a great multitude of his other subjects. During the remaining six years of his reign, Paulinus laboured with apostolical diligence and success, in converting the Northumbrians. It is peculiarly related, that while he attended the king and queen at one of their royal manors called † Adgebrin, situated in the province of the Bernicians, he was wholly employed during thirty-six days, from morning to evening in instructing the people, who flocked to him from all the neighbouring places and villages, and afterwards baptising them in the neighbouring river of Glen.

A. D. 625. Bed. l. 2. c. 9.

A. D. 627. Ib. c 14.

A. D. 633. Bed. l. 2. c. 20.

But these promising beginnings of christianity among the Northumbrians soon underwent a sad reverse. For Penda, king of Mercia, a very ambitious and warlike prince, envious of Edwin's greatness, and disdaining to pay him tribute, entered into a league against him with Cadwallo, a king of the Britons of a character much resembling his own, and who by Penda's aid had lately recovered the possession of his dominions. These princes invaded the Northumbrian kingdom with a very numerous army. Edwin, perhaps not aware of their preparations, encountered them, with a much inferior force, in the forest of Hatfield in Yorkshire, where his courage and conduct promised, for some time, to supply the defect of his numbers; but Osfrid his eldest son being slain at his side by an arrow, he rushed, in the madness of his grief and resentment, into the thickest of his foes, and, being

* This was finished and burnt *anno.* 1069. Being rebuilt by the archbishop Thomas *the elder*, it was again burnt in 1137. At last in the time of Edward I. under Treasurer John, and the archbishops Romanus, Melton, and Thoresby, it was advanced to its present grandeur. Smith in Not. ad Bed. p. 95.

† From the resemblance of the name, and neighbourhood of the Glen; Camden supposes this place to have been situated where the present village of Yeverin stands. This royal residence, as Bede immediately adds, was deserted in the time of the following kings; and another built in its stead at Melmin, which, according to Camden is the same with Milfield.

Camden, vol. ii. p. 1097.

pierced

pierced with many wounds, lost at once the victory and his life. The two conquerors ravaged and destroyed the Northumbrian dominions without mercy, especially Cadwallo, who, though a christian, shewed no regard to the new converts. Paulinus fled with the queen and the children she had born to Edwin, into Kent, where the queen became the Abbess of a monastery, and Paulinus bishop of Rochester. Edfrid the second of Edwin's sons surrendered himself to Penda; by whom he was put to death. Edwin's son by Edelberga, and grandson by his son Osfrid, were carried by the queen into Kent; and thence sent over to France, where they died in their infancy, and so the male line of Edwin became extinct.

The destruction of Edwin and his family, and the calamities that followed, were the occasion of the Northumbrian provinces being again divided into two kingdoms. Osric, the son of Elfric, brother to Ella the father of Edwin, was acknowledged as heir to the throne of Deira; while Eanfrid the son of Ethelfrid returning from Scotland, where he had together with his brothers, and many of the young nobles of the Northumbrian kingdom, remained in exile since the beginning of Edwin's reign, mounted the throne of Bernicia. Osric had been one of Paulinus's converts to the christian faith; and the sons of Ethelfrid had been instructed in that religion, and received baptism in Scotland. Donald, sirnamed *Brek*, who then reigned in that kingdom, actuated by a zeal for the christian religion, which prevailed over his prejudices against the Saxons, sent home his Northumbrian guests, accompanied with a numerous band of Scottish warriors. But each of the new kings relapsed after their exaltation into heathenism, and their reigns were very short. Cadwallo, the great enemy of the Northumbrians, being rashly besieged in York by Osric, sallied suddenly forth, and destroyed almost all the besieging army together with their king. Afterwards, Eanfred, coming without due precaution towards Cadwallo to treat of peace, was also cut off by that tyrant. Both these kings fell in the first year of their reign. But Oswald, another son of Ethelfrid, by Acca the sister of Edwin, had the honour of revenging the sufferings of his country and untimely fall of its kings. For having with a small but resolute band attacked Cadwallo at the head of a mighty army, at a place called * Heaumfield on the north of the Roman wall, not far from Hexham, the tyrant was slain and † his army wholly discomfited. In consequence of this great success, Oswald became king of all Northumberland; and attained to a degree of honour and power far surpassing what any of his predecessors in that kingdom had enjoyed; his dominion being submitted to, not only by the Saxons and Britons, but also by the Scots and Picts.

Bed. l. 3. c. 1.

Bed. l. 3. c. 6.

* Now probably Bingfield. Smith's App. to Bede. No. 13.

† Fordun, following Adamnanus, aſcribes Oſwald's victory to the protection of St. Columba, and the encouragement which that Saint gave him, in a viſion preceding the battle; and relates that Oſwald, in teſtimony of his gratitude, built churches and oratories in honour of Columba, in ſeveral places of his kingdom; as at Lindisfarn, Topleſwale, and elſewhere. Scot. Chron. c. 22. 49.

Bed. l. 3. c. 3. Oswald was a zealous Christian; and it was one of his first and chief cares to have his people instructed in the true religion, which, during the short reign of Edwin in Northumberland, had not taken sufficient root, to be able to resist the late storms. The natural resource of Oswald for the instruments of carrying on this work, was the country where he himself had been educated in the christian faith. Accordingly, he applied to those, who presided in matters of religion among the Scots; who having conferred episcopal ordination, on Aidan a monk of their chief monastery of Icolmkill *, sent him into Northumberland. Oswald gave him a most favourable reception, and at Aidan's own desire assigned him for the seat of his bishopA. D. 635. ric, the small island of Lindisfarn †, a situation resembling that of the famous seminary which he had left. The pious zeal, austere life, and pastoral virtues of Aidan were very illustrious; and the affection and regard which Oswald shewed him, were proportioned to his extraordinary merits. The king, during his long exile among the Scots, having acquired a perfect knowledge of their language, was often at pains to explain the sermons and discourses of Aidan to his courtiers. So favourable a disposition in the English king, encouraged many other Scottish monks to come into Northumberland, who applied themselves with great diligence to instruct and baptize the ignorant pagans; Oswald, for their encouragement, erecting churches and convents, and endowing them with lands and revenues. But the reign of this hopeful young prince came soon to a period. For Penda king of Mercia, who was still a pagan, and entertained the same indignant jealousy of Oswald's greatness, as he had formerly done of Edwin's, led an army against him; and put an end to his life and reign, in a battle fought at A. D. 642. 5 August. Maserferth, afterwards called Oswestree, in Shropshire. Penda, after his victory ravaged all Northumberland, and penetrated as far as the royal residence of Bamburgh. Having in vain attempted to reduce this strong place by a siege, he collected a great quantity of wood and other combustibles, the ruins of villages destroyed in the neighbourhood, of which he made a vast pile near the walls; and setting fire to it at a time when the wind favoured his design, he attempted to burn the place. But the wind suddenly changing drove the flames upon the besiegers, scorching some, and terrifying all; after which they immediately abandoned their enterprise. This deliver-

* This island was originally called *I* or *Hii*. The addition, *Colmkill*, expresses its being the seat of Columba, who, in the year 565, came over from Ireland to convert the Northern Picts to the christian faith, and received this island from them, for erecting a monastery. Bed. l. 3. c. 4. Ninian, a Briton, had long before converted the Southern Picts, and built the church of Candida-Casa, sacred to St. Martin, which in Bede's time was subject to the English. Bed. ibid. Ninian is related to have gone to Rome, *anno* 370, in the time of Pope Damasus, and to have been ordained a bishop to the Britons by Siricius, *anno* 394. On his return he paid his respects to St. Martin; and on this occasion dedicated his church to him, as was usual in those times. He died at Canda Casa or Whitherne *anno* 432, which was the year of St. Patrick's arrival in Ireland as Palladius in the preceding year had come to Scotland. Smith ad Bed. p. 106.

† Bede's description of Lindisfarn, afterwards called Holy Island, is; *Qui locus accedente ac recedente æstumati, bis quotidie instar insulæ maris circumfluitur undis, bis renudato littore contiguus terræ redditur.*

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ance was ascribed to the prayers of Aidan bishop of Lindisfarn; who, for the sake of a more retired devotion, sojourned at that time, as he was often wont in one of the Farne Islands. Oswald's great zeal for the conversion of his people, his benignity to the monks, and his being cut off by a pagan prince, who cruelly mangled his dead body, procured him the honours of a * saint and a martyr. His arms were preserved as relics in St. Peter's church at Bamburgh, and were believed to remain † incorrupted, by virtue of a blessing pronounced on them by Aidan for being the instruments of a signal charity to the poor. Oswald had taken to wife Eanfleda, the daughter of Edwin, and left by her a son in his childhood, but Oswy Oswald's brother succeeded him in the kingdom. His government however extended only at first over Bernicia; Oswin the son of Osric, who had been ten years an exile among the west Saxons, obtaining possession of the kingdom of Deira, which his father, as was above related, had held for a very short period after the Death of Edwin. Oswin's generosity, and other virtues, greatly endeared him to his subjects; but could not defend him against the ambition and superior power of the king of Bernicia. The two princes took the field with their armies, in order to decide their quarrels, but Oswin perceiving his forces greatly inferior, and unwilling that their blood should be shed in vain, dismissed them, and sought concealment, until better times, in the house of Earl Hunwald, a nobleman on whose fidelity he entirely relied. But Hunwald basely betrayed him, and by Oswy's command, he was cruely put to death in the ninth year of his reign. On the account of his many virtues, particularly his wonderful humility. Oswin was greatly beloved by Aidan bishop of Lindisfarn, who survived him only twelve days. It would seem that Oswin did not know his own strength, or wanted the talents necessary to employ it with effect. For after his death, Oswy was not able to establish his dominion over the Deirans; who placed Adelwald the son of Oswald on their throne.

Bed. l. 3. c. 6. Malmef. l. 1. c. 3.

Bed. ib. c. 14.

A. D. 651 20 Auguſt. Bede

* According to Malmſbury, Oſwald gave the firſt fruits of ſaintſhip to his nation; no Angle before him having had the glory of working miracles. Many of theſe are related by Bede to have been performed by Oſwald's relics.

† Aidan being ſeated at table with the king on Eaſter-day, one of the king's ſervants who had the charge of the poor, informed him that there was a multitude of poor in the ſtreets, begging the royal alms: on which the king immediately ordered the meat on his table to be diſtributed to the beggars, and a ſilver platter, on which the meat was ſerved up, to be broken into pieces, and theſe to be diſtributed in like manner; on which the biſhop ſeizing his right hand, prayed that it might never grow old. And ſo it came to paſs, for his hands being cut off, after he was ſlain, together with his arm, they have hitherto remained incorrupted, and are preſerved in the royal city, which from the ancient name of a queen is called Beba, incloſed in a ſilver coffer in St. Peter's church, where due veneration is paid them by all. Bed. ib.

* Simeon of Durham, or Turgot, ſays, that Oſwald's head, was buried in the church of Lindiſfarn, and was afterwards kept in the ſame ſhrine with the incorrupted body of St. Cuthbert, He adds, that his hands and arms were buried in the royal city, *viz.* of Bamburgh: the right hand and arm evidencing the power of Aidan's wiſh or praye, and ſhewing by their incorruption, even to the age of Simeon (i. e. the reign of Henry I.) the m rit of both the king and the biſhop. Sim. Hiſt. Dun. Ecc. c. 1, 2.

Penda

Bed. l. 3. c. 24. Penda king of Mercia, though very old, continued still the terror and scourge of his neighbours. His malignity against the Northumbrians in particular, was inveterate and irreconcilable: and threatened the utter destruction of that people. He had been harrassing them by renewed desolating incursions ever since the death of Oswald; and Oswy finding himself an unequal match for him in the field, endeavoured in vain to bribe him to be quiet, by offering him his royal ornaments, and other presents of great value. But the extremity of oppression at last provoked a resistance that proved its remedy. Oswy, accompanied by his son Alchfrid, is said to have encountered Penda, with a thirtieth part of the numbers which followed that tyrant to the field. For, besides the forces of his own kingdom, Penda was also accompanied with Edilhese king of the East Angles, and Adelwald king of Deira, who awed by his greatness had entered into a league with him against Oswy. But in the beginning of the battle Adelwald retired with his army and waited the event in a place of safety. This circumstance could not fail to give courage to the Bernicians, who, attacking their adversaries
A. D. 655. with irresistible courage, obtained a complete * victory. Penda fell in the field in the 80th year of his age, together with Edilhese his ally, almost all his chieftians, and a vast number of their followers. Oswy, in consequence of this victory, became master of Mercia, and held it three years; after which the nobles of that nation expelling those who governed it under Oswy, raised Wulfher the son of Penda to the throne.

Between the time of Oswy's victory over Penda and the year 664, Adelwald king of Deira died; and after his death Oswy seizing the kingdom of Deira, retained to himself the administration of it; and appointed his son Alchfrid to be king of Bernicia under him. In the year just named, a
Bed. l. 3. c. 25. council was held at Whitby in presence of the two Northumbrian kings, for determining the proper time of celebrating Easter; a question, which, in those days, was esteemed of the utmost importance. The Britons, Scots, and Picts, who had been all instructed in the christian faith and worship by missionaries from France and Rome, a century or two before the conversion of the Saxons, had been taught to keep their Easter, agreeable to the method of Computation, which at that period prevailed in the Roman church. But after that time, the bishops of Rome, and almost all the churches on the continent, had thought proper to adopt a different calculation; with which the troubles of Britain, and its distance from Rome, had hindered the church of that island from being acquainted. In the mean time they had acquired for their own custom, that zeal and attachment which is usual in all matters connected with religion. Augustine the apostle of the Saxons in Kent

* The monks aſcribed this extraordinary victory to a vow made by Oſwy before the battle. If the Pagan, ſaid he, knows not how to accept our offerings, let us preſent them to him, who knows it well, to our Lord God. And ſo he immediately vowed to conſecrate his daughter to God, as a ſacred virgin, and to give twelve portions of land, for erecting the like number of monaſteries. After his victory, he fulfilled his engagement, by building and endowing the monaſteries, and ſending his daughter Elfleda to be educated a nun in the monaſtery of Whitby, whereof ſhe died Abbeſs at the age of ſixty years. Bede, l. 3. c. 24.

had

had endeavoured in vain to bring the British bishops of Wales, to a conformity to the Roman rule; and the Scots and Picts were equally averse to deviate from the establishment of Columba and Ninian, whom they honoured as saints, and whose memory they held in the highest veneration. This difference between the Roman and British custom, produced a striking incongruity in the Court of Oswy. That prince had married Eanfled the daughter of king Edwin, who, after the defeat and death of her father, was carried by Paulinus into Kent, and educated there in the rites which that church, through its founder Augustine, had derived from Rome. Eanfled, and her Kentish attendants of consequence, observed the Roman Easter; and hence it sometimes happened, that while the king was celebrating that feast, according to the computation of the Scots, who had been the instructors of him and his people, the queen was still in the middle of the mortifications of Lent, keeping Palm Sunday. Bed. l. 3. c. 25.

The only bishops of the Northumbrians, since the revival of Christianity amongst them, in the beginning of Oswald's reign, were a succession of Scots in the see of Lindisfarn. Aidan, the first of these, held that bishopric seventeen years. His successor Fenan, sent also from Scotland, and ordained in that country, held it ten years. He built a church in Lindisfarn, which according to the manners of those times was judged fit for the seat of a bishop. It was built in the Scottish fashion, of beams and planks of oak, and was covered with reeds. Theodore archbishop of Canterbury, in one of his visitations, dedicated it to St Peter, and Eadbert, the immediate successor of St. Cuthbert, covered both the roof and walls with plates of lead. Bed. l. 3. c. 25.

Finan's immediate successor was Colman, in the third year of whose prelacy, was held the council of Whitby. Colman had the same attachment as his predecessors to the Scottish Easter, and appeared at the council with his clergy, who were almost all his countrymen, in defence of the ancient mode of his mother church. The principal champion of the Roman custom was Wilfrid, who had been an instructor of the young king Alchfrid in matters of religion, and had gained a great ascendant over him. Wilfrid was a Northumbrian by birth, of honourable parentage, educated a monk in the Convent of Lindisfarn, and had, by travelling to France and Rome, acquired the learning of that age, and a particular acquaintance with the rites and canons of the Roman church. He also acquired a high relish for the riches, pomp, and splendour, he had seen in the foreign churches. This education, concurring with a haughty, ambitious, and intractable spirit, rendered Wilfrid a most notorious troubler of the peace of the English churches, and a principal instrument of subjecting them to the usurpations of the Roman Pontiffs. 664.

The question concerning Easter was agitated between Colman and Wilfrid with much more zeal than knowledge. The authority derived from Peter to his successors in the see of Rome, was insisted on by Wilfrid, as the chief support of his cause; and the idea of Peter keeping the keys of heaven, and excluding those who failed of their duty to him or his successors, made such an impression on the imagination of Oswy, that this prerogative, which was allowed by the disputants of both sides, determined the Smith App. ad Bed. No. 9. p. 703.

the king to declare for the Easter that he believed to be most agreeable to the prince of the apostles. But neither Wilfrid's arguments, nor the king's authority, were sufficient to move Colman to abandon what he thought the right way. He forsook his bishopric, and returned to his own country; carrying along with him part of the relics of Aidan *, and accompanied by almost all the Scottish priests and monks, who had settled in Northumberland. Tuda, another Scot, who, having received his education and ordination in Ireland, observed the Roman custom, succeeded Colman; but died soon after of the plague, which at that time made great havoc in Northumberland; and in Tuda ended the succession of Scottish bishops in the see of Lindisfarn, thirty years after its commencement †.

Bed. l. 3. c. 26.

The testimony born by Bede to this succession of Scottish bishops is very honourable; and as it gives a view of the state of the country and the manners of the times, it deserves to be transmitted. Their parsimony and continence, he says, appeared from the place of their residence, in which, at their leaving it, there were very few houses, besides the church; no more than those necessary for the simplest accommodation. Their possessions consisted wholly in cattle; for if they got money from the rich, they immediately distributed it to the poor. And there was no need of either providing money or houses for entertaining the great men of the country; who never came to the church, for any other purposes, but those of devotion and hearing the word. The king himself * on such occasions came thither, with only five or six servants, and departed immediately after finishing his devotions in the church. And if at any time he and his attendants took a refreshment there, they were contented with the simple daily food of the monks, and desired nothing more. For the whole attention of these teachers, was employed in the service of God, and not about worldly gains; their whole care was bestowed on their *hearts*, not on their *bellies*. Whence the religious habit was at that time in great veneration; so that wherever any priest or monk arrived, he was welcomed with joy as the servant of God; even when he was observed on the road, the people ran to him and bowing their heads, joyfully received from him his benediction, or the sign of the cross; at the same time, listening respectfully to his advices and instructions. On Sundays they flocked to churches or monasteries, not for the food of their bodies,

* Residing no doubt at Bamburgh.

* The remainder of these relics of Aidan he left in the church of Holy Island, commanding them to be buried in *Secretario ejus*, (so Bede). Yet the monks of Glastonbury pretended that the body of Aidan was buried with them; and it seems that this pretence was not wholly without foundation: for a MS. of John Wessington, Prior of Durham, says that King Edmund, in his northern expedition, carried off to Glastonbury, some of the bones of Bishop Aidan.

Smith Not ad Bed. p. 185.

† There was also a difference between the churches on the continent, and the ancient churches in Britain, in the manner of the clergy clipping their hair. The former had adopted the fashion of making bare the crown of the head; so as to make the hair that surrounded the bare part, represent as they imagined our Saviour's crown of thorns. The latter clipped the hair on the forehead from ear to ear. The dispute concerning these fashions of the clerical tonsure, was agitated with little less warmth than that concerning Easter, and the Scottish clergy were equally tenacious of their old custom in the one as in the other.

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but to hear the word of God. And if any priest happened to come into any of their villages, the inhabitants instantly assembling, requested of him the word of life. Nor had the priests and clerks any other end in going to these villages, than to preach, baptize, visit the sick, and in one word, to take care of souls; and so remote were they from all *contagion of covetousness*, that none of them would accept of territories and possessions for building monasteries, unless compelled to it by the powerful men of the state; which custom remained in all points the same, for some time after, in the churches of the Northumbrians. Such was the state of the Northumbrian church about seventy years before Bede wrote his history: but in this account, he evidently enough hints the degeneracy that had since taken place; which he explains more fully in his letter to Egbert archbishop of York.

Ab omne avaritiæ peſte.

Oswy was not only successful in his wars against the Mercians, but made conquests also on the other side, over the Scots and Picts; subjecting and rendering tributary to him the greatest part of their country. It seems sufficiently evident that these conquests could not have been made, till after the destruction of Penda the Mercian, and it is not improbable that the religious differences which occasioned the retreat or expulsion of the Scottish and Pictish clergy *, had an influence in producing those wars, which were attended with so much success on the side of the English. Six years after the council of Whitby, Oswy died; and his son Alchfrid, whom he had assumed as his partner in the kingdom, being dead before him, Egfrid another of his sons succeeded to all his dominions.

Bed. l. 2. c. 35. l. 3. c. 24.

A. D. 670. 15 Feb.

Egfrid was a warlike prince, and successful in several of his enterprizes. The Picts attempting to free themselves from the yoke imposed upon them by Oswy, and for this purpose having collected a great army out of all the northern parts of the island, received a total defeat from Egfrid; wherein the slaughter was so great, that two rivers being filled with the dead bodies of the vanquished, the victors are said to have passed over them dry shod. Egfrid also conquered Lincolnshire, then a part of the Mercian kingdom: but though he was driven out of this province five years after, he was not thereby discouraged from invading and ravaging Ireland. In the year after his Irish expedition, he invaded the territories of the Picts; but these people, by appearing to fly before him, having decoyed him into a tract of country, full of inaccessible mountains, suddenly rushed from their retreats, and cut in pieces the king himself †, with the greatest part of his army. The Picts, in

Eddius Vit. Wilfr. c. 17.

A. D. 679.

A. D. 684.

* The return of Colman and his clergy to their own country, happened in the firſt year of the Scottiſh King Maldwin; and Fordun aſcribes it to the bad treatment they had received, that there was little peace betwixt the Scots and Northumbrians, during all Maldwin's reign: but the war was carried on by mutual deſolating incurſions, without any general action, whoſe memory has been tranſmitted to poſterity. Ford. vol. i. p. 154.

† According to the Appendix to Nennius, Egfrid was killed by Brude, who was king of the Picts, and commanded them in this battle. Gale, vol. i. p. 126.

Bede, in his life of St. Cuthbert, relates, that the Saint foretold this tragical end of Egfrid, the year before it happened, to the king's ſiſter Elfled, who was abbeſs of the Convent at Carliſle,

A. D. 685. May 20. in consequence of this victory, recovered their lands on the south of Forth, which the Northumbrians had for some time held in subjection. The Scots also, who bordered on the Northumbrian kingdom to the west, and some part of the Britons, regained their liberty; nor did the Northumbrians ever after recover this heavy blow, or regain that ascendant over their neighbours, which they formerly possessed.

It was chiefly during the reign of Egfrid, that the monk Cuthbert became eminent by his zeal and wonderful austerities, which joined to the tales of his miracles, and of his dead body remaining incorrupted, raised him to the first place among the English saints. While he tended as a shepherd in the night his master's flocks on the side of Leder, and was praying with his body on the form of a cross, he fancied he saw the soul of bishop Aidan ascending in triumph to Heaven, encompassed with a choir of angels. This vision made such an impression on him, that next morning he resigned to his master the charge of his flock, and became a monk in the neighbouring monastery of * Mailros. That monastery was then governed by a disciple of Aidan named Eata, who was one of the twelve English youths whom Aidan had taken the charge of instructing in the christian faith, on his first admission to the see of Lindisfarn. The prior of the monastery, or he who had the charge of governing and instructing the monks under Eata, was † Boisel, a man renowned for his sanctity and prophetic spirit. Cuthbert was the chief favourite of his master Boisel, and soon became eminent for his extraordinary virtues and progress in sacred learning. And when his Abbott Eata, some years after, received from king Alchfrid ground and revenues for erecting a monastery at Rippon in Yorkshire, Cuthbert was one of the colony whom Eata carried from Mailros to this new seminary, and who held an honourable place in it. But these monks acting in the spirit of Colman, chose rather to abandon their monastery, than to conform to the

Bed. Vit. Cudb. Sim. Dun. H. D. E. l. 1.

Bosel, Ford.

Vit. S. Cudb. c. 7.

and had come to visit Cuthbert; who, attended by some of the brethren at Lindisfarn, met her in the Isle of Coquet, which was also at that time a residence of monks. V. S. Cudb. c 24. Cuthbert, being at Carlisle, which was part of his diocese, at the time the battle was fought, declared to those about him the unfortunate event. Ib. c. 27.

Simeon of Durham says, that Egfrid was killed at Nectans-mere, which Goodall thinks is Nenthorn-loch, in the county of Mers, and thence infers, that the extent of the Pictish kingdom to the south, was the same with that of Scotland in latter times. But the small resemblance of names seems to be outweighed by other considerations; for why should Egfrid lay waste a country in his own possession, and which the Picts are said to have recovered in consequence of his defeat and death? Or is it probable that Egfrid and his army could be ignorant of a country so near Northumberland, and which during all his reign had been subject to him? Neither doth the face of the country answer to the fastnesses of inaccessible mountains, which Bede speaks of; the hills of the neighbourhood being of a very moderate height. These circumstances make it more likely, that Egfrid received this overthrow at a much greater distance from the present frontier of Northumberland. It is even probable that he was slain somewhere in the High-land-country, from his being buried, as Simeon, or rather Turgot, relates, in the Isle of Hii. (Hii Insula Columbæ) H. D. E. l. 1. c. 9.

* Melrose is the present spelling. The author often chuses to follow the spelling of his authorities.

† The saint, no doubt, from whom the church of St. Bosels, about two miles farther down the Tweed than Mailros, and on the same side, has its name. His body and clothes were preserved among the Durham relics. Sim Dun. Hist. Ecc. Dun. Contin. Decem Scriptores. p. 68.

Roman

Roman mode of keeping Easter; and returning to Scotland, Alchfrid gave their monastery to his favourite Wilfrid. Soon after their return to Mailros, Boisel dying, Cuthbert was made prior of the convent in the room of that saint. In this office he not only discharged his duty, in the most exemplary manner, to the monks under his inspection, but was most laborious in preaching the word to the inhabitants of the adjacent country; travelling sometimes on horseback, but for the most part on foot, and spending whole weeks together, instructing the ignorant and superstitious inhabitants of the wild and mountainous tracts, which others could not enter without horror. After he had exercised his office for some years at Mailros *, his abbot Eata was, at the desire of Colman, when he retired to Scotland, promoted to be abbot also of Lindisfarn, and Cuthbert was removed by him from Mailros, to be his prior in this new charge. Here he regulated his conduct by the same maxims, and maintained the same high reputation as before †. But after he had spent more than twelve years in this monastery, aspiring to what, according to the ideas of those times, was the highest summit of perfection, he abandoned his monastery, and lived an anchoret or hermit in Farne Island. There he spent seven or eight years, having reared a wall round his little cell and oratory, that cut off the view of every thing but the face of heaven ‡. But though he had soon cleared his retreat of the evil spirits

A. D. 661.

Bed. l. 5. c. 21. Smith's Notes; also Matt. West.

A. D. 664. Vit. S. Cudb. c. 16.

* While he was prior of Mailros, Abbe, the uterine sister of King Oswy, was Abbess of Coldingham; who, moved by the fame of St Cuthbert's virtues and miracles, requested from him a visit to her monastery for the benefit of his exhortations. In compliance with the royal Virgin's desire, Cuthbert spent some days at Coldingham, the situation of which, nigh the sea, afforded him an opportunity of a new species of the austere devotion, for which he was so much renowned. For retiring silently from the monastery, when all had gone to sleep, he went down to the sea, where standing up to the neck in water, he spent the night in prayer and praises, until the time of the morning devotions in the monastery approached. One of the monks, having discovered that the saint left the monastery in the night, had the curiosity to trace his steps and observe him from some hidden place on the shore, where he was a witness, as he related, after the saint's death, not only to the circumstances mentioned above, but when Cuthbert came out on the shore, and with bended knees began to renew his devotions there, the same relater observed two sea calves come forth from the deep, and approaching the saint, warmed his feet with their breath, and wiped them dry with their skins: after performing which duty, and receiving the saint's benediction *they plunged themselves into their native deeps. Bed. Vit. S. Cudb. c. 10.

* Patrias sunt relapsa sub undas.

† He was remarkable for unshaken serenity of temper, and meekness of behaviour, by preserving which, and persevering in his admonitions, he overcame the opposition of refractory brethren, and brought them to submit to the strict monastic rules. In his dress, he was neither nice nor sordid; and in imitation of him, no garments were used in that monastery of various or costly colours, but were for the most part of the natural colour of the wool. Vit. Cudb. c. 16.

‡ There was also a greater house near the landing-place, in the Farne Island, where the brethren who came to visit him lodged, and a fountain at a small distance, which supplied them with water. Vit. S. Cudb, c. 17.

Cuthbert was succeeded in his hermitage in Farne Island by Ethelwold, a monk and priest of the monastery of Rippon. Ethelwold lived twelve years in that retreat, and was buried in St Peter's church in Holy Island, beside the bodies of the bishops of that see. Felgild succeeded Ethelwold, and in the time of that hermit, Eadfrid, bishop of Lindisfarn, restored from its foundations the oratory of St Cuthbert, which had fallen into utter disrepair. Bede relates, that Felgild, the third heir of the same place and spiritual warfare, was more than 70 years old, at the time of his (Bede's) writing the life of St Cuthbert. Besides those mentioned by Bede, there were other monks who

Vit. S. Cudb. c. 46.

spirits that haunted it, and made the barren rocks produce him both bread and water, yet he was not able to resist a combination, formed by his fellow mortals, to draw him back again into the world. A council held in the last year of the reign of Egfrid, at a place called Twyford on the Alne, where the king was present, and in which Theodore archbishop of Canterbury presided, made choice of Cuthbert to be bishop of Hexham, in the room of Thumbert, whom Theodore had lately deposed. But the king was obliged to go in person over to Cuthbert's hermitage, and to join his entreaties to those of many noble and pious persons in his company, and of the brethren of the monastery of Lindisfarn, before the holy anchoret could be persuaded to accept of the episcopal office. Eata, his abbot, had been for seven years bishop of Lindisfarn; but Cuthbert, on account of his better acquaintance with the diocese of this island, preferring it to that of Hexham, Eata was removed to Hexham, where he had been bishop before, and Cuthbert was, on the Easter-day following, consecrated bishop of Lindisfarn, in the Cathedral of York, by Theodore of Canterbury, and seven other bishops. During the short remainder of his life, which was only about two years *, he adorned his station by all the virtues of a good bishop; and finding his end drawing nigh †, he retired to his beloved retreat in Farne Island, and there breathed his last. His body, which he had granted, before his death, to the earnest importunities of the brethren of Lindisfarn, was transported to that island, and buried there in the church of St Peter: and to complete the evidence of his saintship, his coffin being opened by the monks eleven years after his

A. D. 684. Sim. Dun. p. 5. Bed. l. 4. c. 28. Vit. S. Cuthb. c. 24.

A. D. 685.

chose Farne for the place of their retreat. Among these was St Bartholomew, as appears from a manuscript history of his life in the Bodleian Library, who obtained leave of Laurence prior of Durham to go to Farne; where he found a brother, called Elwyn, in possession, who was ill pleased with his coming thither. Bartholomew wrote in his retreat, a book called Farne Meditations, which is still preserved in the Durham library. It is also recorded, that Thomas, prior of Durham, in the years 1162, 1163, retired to Farne. His retreat was owing to a controversy with bishop Hugh concerning certain liberties, to the disputing of which he was excited, but afterwards deserted by his monks. Hugh got him deposed, upon which he retired to Farne. Alexander II. king of Scots, A. D. 1245, grants and confirms to the monk Henry, and to his successor in Ferne Island, 8s. sterling in free alms; to be received annually out of the farm of his mill of Berwick, instead of half a chalder of corn, which he was wont to receive out of the said mill, by virtue of a charter of King William.

Smith in Not. ad Vit. S. Cuthb. c. 46.

* In the course of an episcopal visitation, not long before his death, having gone through the higher places *(superiora loca)* of his diocese, he came to a monastery of virgins, situated not far from the mouth of the Tyne, of which, a woman of noble extraction called Verca, who made him a present of fine linen, which he kept for his winding-sheet, was abbess; and there miraculously changed by his blessing water into wine. Cudb. c. 35. He had, while a boy, performed a great miracle at the same monastery, which was then inhabited by monks; some of whom, being carried out to the sea on certain floats, on which they were bringing wood to the monastery, he saved by his prayers, from the imminent hazard of being drowned. C. 3.

The Tyne spoken of in these two miracles, Smith understands, of the Tyne in East Lothian, on which was situated the famous monastery of Tynningham. But both stories being vouched, at first or second hand, by brethren in Bede's monastery, makes it probable that he means the Tyne in Northumberland.

† He retired to the Island of Ferne immediately after Christmas in 686. He was seized with his last illness on the 27th of February following, and died on the 20th of March. His body was carried in a ship to Holy Island, and buried there in the church of St Peter on the right hand of the altar, in a stone coffin. C. 37, 40.

death,

death, both the saint and his clothes were discovered to be as fresh and free from corruption, as at the moment of their interment.

The same country and times produced another churchman of a character very extraordinary; and which, in many respects, formed a striking contrast to that of Cuthbert, and of his predecessors and masters the Scottish monks. This was * Wilfrid already mentioned; who, after the death of Tuda, the last of the Scottish bishops in Lindisfarn, was sent over by Alchfrid to France, to receive episcopal ordination from the hands of the bishops of that kingdom; who, as to religious rites, were in perfect conformity with the see of Rome. It is probable that Wilfrid, on his setting out for France, was destined to be sole bishop of Northumberland, as those of Lindisfarn had been, ever since the restoration of christianity by king Oswald in that kingdom. But before his return from the continent, where he tarried a considerable time, king Oswy, by the influence of some who envied Wilfrid and favoured the Scottish rites, bestowed the diocese of his kingdom, the seat of which he settled at York, on Chad, abbot of Lestingham, a Scottish monk greatly renowned for his sanctity. Some years after, Theodore, a learned Greek monk, and, together with the Abbot Adrian, the first introducer of good learning among the Saxons, was sent over by Pope Vitalian to be archbishop of Canterbury, and was received by all the Saxon churches as their primate. Theodore, in his first visitation of these churches, objected to the ordination of Chad, which he had received during the vacancy of the see of Canterbury, from Wini, bishop of the West Saxons, assisted by two bishops of the Britons, who were not in communion with Rome. Chad did hereupon retire to his monastery at Lestingham; but Theodore, moved by his piety and humility, would not suffer him to be divested of the episcopal character, supplying the alleged defect in his former visitation by a new imposition of hands. On the retiring of Chad, Wilfrid became sole bishop of Northumberland, that is, of all king Oswy's dominions, which extended from the Humber to the Frith of Forth, and had been increased by the conquest he had lately made of Lincolnshire, which was then part of the Mercian dominions on the south of the Humber. Besides this vast diocese, Wilfrid had the government of nine abbies, and being ever ready to accept, and indeed to solicit, the most extravagant donatives, which the ignorant superstition of the age prompted the great ones to bestow, he built and adorned in the most sumptuous manner his †churches and

A. D. 664.

Edd. c. 14.

A. D. 669.

Bed. l. 4 c. 2

Bed. l. 4. c. 3

Ric. Hag. de Hagulft. Ecc. c. 3.

* Wilfrid was a Northumbrian of noble birth, and being recommended by Eanfleda, Oſwy's queen, to a certain nobleman called Cudda, who retired to the monaſtery of Lindisfarn, did attend him thither as his companion, and continued there from the 14th to the 18th year of his age.

† His principal works were the reparation of the cathedral of York, the roof of which he covered with lead, and glazed its windows, A. D. 670, and two magnificent churches at Rippon and Hexham. Eddius deſcribes him as attended in his progreſſes, when performing his epiſcopal functions, not only by his ſingers, whereof Eddius himſelf was one, but by maſons and artiſts of almoſt every kind. Ed. c. 14. Thus religion was, in thoſe times, made the means of introducing and improving the arts among a fierce and barbarous people. It is plain from various paſſages in Bede, that the monks of thoſe times employed themſelves in agriculture and the arts. In his hiſtory of the abbots of Weremouth and Jarrow, he celebrates the humility of Eaſterwin, whom Benedict Biſchop,

and abbies; employing in these works the most skilful artists he could procure from France and Italy. Nor was his magnificence in other respects inferior to that of his buildings; for in his family the sons of many of the Northumbrian nobles resided for their education; his attendants were numerous; his furniture splendid; and at his table he is said to have been served on gold. His great patroness was Etheldrida, the queen of Egfrid, famed for preserving her virginity, during twelve years marriage with that prince. From her he received Hexham and the adjacent lands said to have been lands of her own dowry, for the support of his convent and magnificent church * there. But Wilfrid was unhappy in the retreat of so mighty and generous a prince from a palace to a Nunnery. The † queen by her unceasing importunities, prevailed with her husband to allow her to make this retreat; and she received the veil from the hands of Wilfrid in the abbey of Coldingham, then under the government of ‡ Ebba, aunt to the king. Ermenburga succeeded Etheldrida in the king's bed; but not in her friendship to Wilfrid. The new queen's aversion to that prelate; the jealousy and envy excited by his immoderate wealth and ambition; together with the resentment flowing from a suspicion of his having encouraged § Etheldrida to turn Nun, determined the king to enter into measures for humbling him. For this purpose he obtained the aid of Theodore archbishop of Canterbury, who in the year after he arrived in England, held a council of || English bishops, by which, among other regulations, it was enacted, that, upon account of the increasing numbers of the faithful, the number of bishops

Edd. c 21.

Bed. l. 4. c. 19. Ric. Hag. c. 1, 7.

Bed. l. 4. c. 19.

Bed. l. 5. c. 5. A. D. 670.

|| Wilfrid assisted at this council by his legates, as the acts of it bear.

Bifchop, firft abbot of Weremouth, had aſſumed as his colleague in the government of that convent; and as a proof of it, relates, that although he was a man of noble birth, and had been the miniſter of king Egfrid, yet having abandoned ſecular arms and affairs, he fought not, in any reſpect, to be diſtinguiſhed from the other brethren of the monaſtery, but along with them would fan, and grind, milk cows or ſheep, and, with great pleaſure, work in the bakehouſe, garden, kitchen, or employ himſelf in any other buſineſs of the monaſtery. He likewiſe relates, that when Eaſterwin was going abroad any where about the affairs of the convent, and found the brethren at work, he would immediately join himſelf with them, either in guiding the plough, beating out iron, ſhaking the ſieve, or any other labour. (Bed. Ed. Smith, p. 296.) Alſo in his eccleſiaſtical hiſtory, (l. 5. c. 14.) he gives an account of a wicked monk, who, before his death, ſaw in a viſion the place prepared for him in Hell. This monk Bede himſelf knew, and ſays, that though he was often rebuked by his ſuperiors, and brother monks, for his drunkenneſs and irreligion, yet they ſtill bore with him, becauſe of the need they had of his works, he being a very expert mechanic.

* Richard of Hexham, after deſcribing this magnificent ſtructure, which was facred to St. Andrew, ſays, that there was none like it to be found at that time on this ſide of the Alps. C. 3.

† Queen Etheldrida was daughter to Anna king of the Eaſt Angles, and had been married firſt to Tonberet, a grandee in her father's dominions, with whom ſhe alſo lived a virgin three years. She is ſaid to have received the veil from Finan biſhop of Lindisfarn. Dugdale Monaſ. vol. ii. 1051.

‡ *Ebba*, aunt by the father ſide, being the daughter of King Ethelfrid, and the ſiſter of Oſwy and Oſwald. She ſettled firſt at Ebcheſter, a place on the river Derwent, which runs into the Tyne, that ſtill bears her name, and afterwards removed to Coldingham. Smith ad Bed. l. 4. c. 19. Etheldrida after a year's reſidence at Coldingham, retired to Ely in her native country, and became abbeſs of the monaſtery there. Sixteen years after her death, her body was taken up incorrupted; a demonſtration of her ſainthip and virginity. In ſucceeding times, ſhe was commonly known by the name of St. Audrey of Ely.

§ Wilfrid himſelf told Bede, that Egfrid had promiſed him much riches in money and lands, if he could perſuade the queen to allow him matrimonial commerce with her.

should

should also be augmented. Wilfrid's great interest at court had hitherto hindered this scheme from taking effect in the Northumbrian kingdom. But the king and court being now his enemies, and the enormous extent of his diocese being most apparent, Theodore very willingly gratified the king by consecrating Bosa, bishop of the province of Deira, and Eata, abbot of Mailros and Holy Island, of Bernicia; the former having the seat of his bishoprick at York, and the latter at Hexham or * Lindisfarn. These things were done without the privity or consent of Wilfrid; who esteeming himself grievously injured, repaired to court, and in the presence of the king and Theodore appealed to the see of Rome for redress. This appeal, being the first of the kind in the English churches, was treated by Egfrid and his courtiers with contempt; but Wilfrid, steady in his purpose, set out immediately for Rome, where he received the usual welcome given to appellants, and obtained a favourable decision, from Pope Agatho, and a council of bishops. With this he returned to England, and presented it to Egfrid; but the king and his council rejected it with indignation, alleging it had been procured by bribes, and committed Wilfrid to prison. After remaining prisoner about a year, he was set free upon the intercession of † Ebba the Coldingham Abbess, but upon condition that he should immediately abandon the Northumbrian dominions. He continued in exile during the remainder of the reign of Egfrid and the first year of his successor, being employed most part of that time in converting the pagans in Sussex and the Isle of Wight, for which he received ample rewards from the kings to whom these places were subject. His zeal and diligence in this work did also contribute to make his peace with archbishop Theodore; who, by his intercession with the new Northumbrian king Aldfrid, obtained leave for him to return to his native country. Upon his return, he was put in possession of the see of ‡ Hexham and after St. Cuthbert's death, had, for a year, the administration of the see of § Lindisfarn. until Eadbert was advanced to that charge. Afterwards he is said to have been restored to the see of York ‖, and the possession of his

A. D. 678.

Bed. l. 4. c. 12. Edd. c. 24.

Bed. l. 5 c. 19

Edd. c. 33.

Ib. c. 38

Edd. Bede.

A. D. 686. or 687.

Edd. c. 43.

* This is the precise account given by Bede. Wharton Ang. Sac. p. 963. whom Carte follows, says, that Lindisfarn, the ancient seat of the bishops of Northumberland, was left to Wilfrid; but what authority can there be for this, sufficient to countervail the concurring relations of Eddius and Bede?

† The king and queen in a progress through their dominions came to Coldingham abbey, when the queen having been whipped a whole night by the devil, and in the morning being convulsed and ready to expire, Ebba assured the king, that the cause of these sufferings was his treatment of Wilfrid, who was thereupon liberated from prison and dismissed, and a bag of relics restored to him, which Wilfrid had brought from Rome, and which the queen had robbed him of, and carried about with her, as the Philistines, says Eddius, did the ark of old, to her own plague. Wilfrid being thus in part redressed, the queen was healed. Edd. c. 38.

‡ This diocese is said to have extended from the Tees to the Aine.

§ During this time, Bede relates, that the monks of Lindisfarn, were in such distress and danger, without mentioning particulars, that several of them abandoned the convent. It is probable, that these troubles arose from Wilfrid's attempting to abrogate the rules of St. Cuthbert, and the saints his predecessors, which had been established amongst them; and to introduce in the room of these, the Benedictine discipline; which he did in all monasteries where he had power or influence.

‖ This is the account given by Eddius, c. 42; but Bede and others say nothing of Wilfrid's restoration to the see of York.

monastery

monastery at Rippon: but soon after the death of Theodore, new dissensions breaking out between Wilfrid and the king, the former was again expelled
A. D. 691. from Northumberland, and obliged to seek refuge in the neighbouring kingdom of Mercia, where king Ethelred received him well, and gave him the
Edd. c. 44. administration of the see of Leicester. Twelve years after, a council held at
A. D. 703. Nesterfield near Rippon, by Beretuald archbishop of Canterbury, at the desire
Ib. c. 45. of the Northumbrian king Aldfrid, took cognizance of Wilfrid's conduct, and stripped him of all his possessions in Northumberland. But they were not able to subdue his spirit. He upbraided his judges for their contempt of the decrees of the apostolic see, appealed anew to Rome, and at the age of seventy, made a journey to that city to prosecute his appeal. Again he returned victor *, having obtained a degree in his favour from Pope John VIII. and a council held at Rome. In consequence of this judgment, the archbishop of Canterbury convoked on the bank of the river Nidd in Yorkshire, an assembly, where the Northumbrian king Osred, then a minor, being present with his nobles and bishops, an agreement was concluded; by which Wilfrid was restored to his monasteries of Hexham and Rippon. Very soon after Bosa dying, and the famous St. John of Beverly, who was then bishop of Hexham, being translated to York, Wilfrid regained his diocese of Hexham; and four years after died quietly at his monastery at Oundle.
A. D. 709. April 24. Thus Wilfrid, during a long and bustling life, attained to fame and eminence by the usual helps of abilities, ambition, and an unsubmitting resentful spirit; while his monkish austerities, devotion to the see of Rome, and zeal in extending its authority, and introducing its frivolous usages, obtained him from that church a powerful support in the time of his life, and the title of a saint after his death †.

* Aldfrid was alive, when Wilfrid returned from Rome, but positively refused to comply with the Pope's decree; of which obstinacy he is said to have repented on his death-bed. [Bed. Edd. c. 57.] Eadulph, who, after Aldfrid's death, usurped the kingdom, which he held only two months, was equally positive in rejecting Wilfrid.

† He was buried in the church of St. Peter at Rippon, splendidly built and adorned by himself. Bede gives his epitath, in a style of poetry superior to the ordinary productions of that time:

Wilfridus hic magnus requiescit corpore præsul,
Hanc Domino qui aulam, ductus pietatis amore
Fecit, et eximio sacravit nomine Petri,
Cui claves cœli Christus dedit arbiter orbis,
Atque auro ac tyrio devotus vestiit ostro.
Quinetiam sublime crucis radiante metallo
Hic posuit tropæum; necnon et quattuor auro
Scribi evangelii præcepit in ordine libros,
Ac thecam e rutilo his condignam condidit auro.
Paschalis qui etiam solemnia tempora cursus
Catholici ad justum correxit dogma canonis
Quem statuere patres, dubioque errore remoto,
Certa suæ genti ostendit moderamina ritus:
Inque locis istis monachorum examina crebra
Collegit, ac monitis cavit quæ regula patrum
Sedulus instituit, multisque domique forisque
Jactatus nimium per tempora longa periclis,
Quindecies ternos postquam egit Episcopus annos,
Transiit, et gaudens cœlestia regna petivit,
Dona, Jesu, ut grex pastoris calle sequatur,

It

It was about this time, that the monastery of Coldingham, a stately and spacious edifice, was, through negligence, consumed by fire. This edifice, as was usual in those times, was inhabited by monks and nuns, who, though dwelling in different parts of the monastery, were not so effectually separated as to prevent a grievous relaxation of discipline and the daily practice of many enormities; which greatly increased after the death of their pious abbess Ebba. The destruction of their dwelling was universally believed to be a signal judgment inflicted by Heaven, on the wickedness of the monks and nuns. Cuthbert and his monks in Lindisfarn took the alarm. That holy prior being soon after made bishop, forbade the approach of women to his convent. They were not even allowed to enter the church where the monks performed their devotions; but had another church *, at a considerable distance, erected for their use. The custom thus introduced of forbidding the access of women to the churches, or cœmeteries where Cuthbert's body had rested, continued long; and miracles are related of dreadful punishments befalling the unhappy females who presumed to infringe it.

Bed. l. 4. c. 25.

Sim. Dun. Hist. Dun. Ecc. l. 2. c. 7, 8, 9.

The successor of Egfrid in the Northumbrian kingdom was Alfrid, an illegitimate son of Oswi; his legitimate offspring being extinct in Egfrid. Alfrid, in the former part of his life, applied himself with much diligence to the study of sacred learning; in quest of which he had retired to the Hibernian or Scottish islands. But by the advice and influence of the queen and Cuthbert, the Northumbrians, in the general distress that followed the defeat and death of Egfrid, agreed to raise him to the throne. Aldfrid found the kingdom reduced to narrower limits †, but being a man of vigour, he was successful in *repairing its shattered state*, and defending it against its adversaries. After his death, which happened in the 20th year of his reign, the crown

Bed l. 4. c. 26. A. D. 685.

Bed. Vit. St. Cudb.

A. D. 705.

* This, says Simeon, was called Grenechirche, from its situation on a green plain in the island.

† What these limits were cannot be distinctly ascertained. But it is plain from Bede's story of the monk Dryethelme's vision of Hell and Purgatory, l. 5. c. 12. that they extended farther on the side towards Scotland than in succeeding times; for the monastery of Mailros was then included in Aldfrid's dominions. The situation of this monastery, as described in two places by Bede, agrees well with the situation of the place now called Old Mailros. In l. 4. c. 27. he says, it is situated on the bank of the Tweed: and in l. 5. c. 12. he adds, that most part of it is inclosed by a bending of the Tweed.

Dryethelme used to relate his visions to king Aldfrid, and was admitted a monk in the convent of Mailros, at the desire of that king, who, when he came into these parts, frequently visited him. Dryethelme had a cell assigned him in the most retired part of the convent, that he might be less disturbed in his continual devotions. And the place itself being situated on the bank of the river, he used often, for the sake of mortifying his body, to go down into it, and plunge in the stream. There he continued praying and singing psalms as long as he could, the water sometimes coming up to his loins and sometimes as far as his neck: and when he came out from it, he never thought of casting off his wet and cold garments; but wore them till they grew dry and warm on his body. And in the winter when encompassed with crusts of ice, that flowed down the river, and which he sometimes broke to make room for his standing or dipping in the water; while those who observed him would say, It is strange brother Dryethelme how you can bear such extreme cold; he answered calmly, being naturally a meek and simple man, I have seen greater cold. And when they used to say, it is strange you should submit to such severe discipline, he used to reply, I have seen more severe; alluding to the torments of Hell and penalties of Purgatory which he had seen in a vision. Bed. l. 5. c. 12.

was seized by Eadulf, to the exclusion of Osred, the eldest of Aldfrid's children, a boy at that time, of eight years of age. But Berectfrid, a zealous friend of the late king and his family, retired with Osred into the strong fortress of Bamburgh; and, the bulk of the nation soon declaring for the young prince, he was raised to the crown, the management of his affairs being intrusted to Berectfrid. Osred * fell in battle after a reign of eleven years, and was succeeded by Cenred; who having reigned two years, had for his successor Osric the second son of Aldfrid. Osric died after reigning about eleven years, and nominated for his successor Ceolwulf, the brother of his predecessor Cenred. From this choice of him by Osred and some ancient genealogies, it is inferred by some, that Ceolwulf was nearest to the crown of any of Ida's remaining descendants †. It is more certain, that he was the prince to whom Bede inscribed his Ecclesiastical History, which was finished in the second year of Ceolwulf's reign. The venerable author died four years after; and for a conspicuous proof of the prevailing spirit of monkery, even among those of the highest rank, which Bede mentions as a characteristic of that age, Ceolwulf, after reigning about eight years, resigned his crown to Eadbert the son of his uncle Eata, and became a monk in the convent of Lindisfarn. He carried along with him considerable treasures, and added some new lands to the large estates that had been given to St. Cuthbert by several of his predecessors. He also procured an improvement in the living of the monks; substituting ale and wine, in the room of water and milk: which were the only liquors they had been permitted to use, by the rule of their founder Aidan. In this retreat he spent the remaining twenty-two years of his life, acquired the title of a saint, and had his body deposited near that of St. Cuthbert ‡.

A. D. 716.

A. D. 729.

Carte, vol. i. p. 202.

Bed. l. 5. c 23. alſo Lp. ad Egb. Ebor. Ant. A. D. 737. Sim. Hiſt. D. E. l. 2. c. 1.

Rog. Hoveden. ad Ann. 880.

Bed. Contin. l. 1. c. 9. Brompton, p. 795.

Eadbert the ſucceſſor of Ceolwulf was a prince of eminent talents and high reputation §. In the eighteenth year of his reign, having joined his forces with

A. D. 756.

* With Ofred, Naitan king of the Picts (*Pictorum qui ſeptentrionales Britanniæ plagas inhabitant*) was cotemporary; to whom Ceolfrid, the abbot of Monks Weremouth and Jarrow ſent a letter, A. D. 715, concerning the time of obſerving Eaſter and the clerical tonſure according to the Roman rite, which is inſerted by Bede, H. E. l. 5. 21. and was probably written by Bede himſelf, who was, at that time, and all the reſt of his life, a prieſt and monk in the monaſtery of Jarrow. This letter was intended to inſtruct the king more fully in the reaſons of the Roman obſervances; and ſerved the purpoſe of confirming his approbation of them, and of engaging him to eſtabliſh them throughout his dominions. Together with this letter, Ceolfrid in compliance with the king's requeſt, ſent him architects to build for him a church of ſtone, after the Roman manner, which Naitan promiſed to dedicate to the prince of the apoſtles. Benedict Biſchop, the founder of the abbey at Monks Weremouth, and Ceolfrid's immediate predeceſſor brought maſons from France to build a ſtone church there in 675. He is alſo ſaid to have ſent to France for makers of glaſs, in order to the glazing of the windows of his church, and to have been the firſt who introduced theſe artiſts into Britain. Wilfrid is ſaid by Eddius to have cauſed the windows of the cathedral of York to be glazed in 670; but perhaps he imported his glaſs.

† Being ſprung from Edric the fourth ſon of Ida; after the lines of Adda, Theodorick, and Ethelrick, his (Ida's) three elder ſons were extinct.

‡ It was afterwards removed by Egfrid, biſhop of Holy Iſland, to Norham; and long after, his head was tranſlated to the church of St. Cuthbert at Durham. Sim. Dun. ibid.

§ Cynewulf, who ſucceeded Ethelwold in the biſhopric of Lindisfarn, in the third year of this king's reign, had the misfortune of falling under his diſpleaſure. Eadbert blamed the prelate for ſuffering

with those of Unúst king of the Picts, and led them against the city of Alcluyth afterwards Dumbarton, the Britons who held it were obliged to submit to these powerful aggressors, on the first of August. Pepin king of France was Eadbert's cotemporary, and is said to have cultivated his friendship by many royal presents. But all his fame and his successes, together with the earnest intreaties of the neighbouring princes*, would not restrain him from following the example of his predecessor, in retiring from a throne to a cloister. After a prosperous reign of more than twenty years, he resigned his crown to his son Osulf, and withdrew to a convent in York; where his brother Egbert † was archbishop, and where the royal monk himself, after ten years, died, being according to Matthew of Westminster, the eighth of the Saxon kings, who exchanged a temporal crown for an eternal. His son Osulf was murdered by his own domestics, in the first year of his reign; and was succeeded by Ethelwold, sirnamed *Moll*, who doth not appear to have been any way related to the royal family. In the beginning of the third year of Ethelwold's reign, Oswin, who seems to have claimed the crown by right of blood, undertook to recover it by force; but was killed in a battle which began on the 6th of August, and lasted three days, near Eldun ‡ in the neighbourhood of Mailros. Ethelwold did not enjoy his crown long; being obliged three years after, to resign it to Alered the son of Eanwin and a descendant of Ida. Alered having reigned nine years, was deserted by his family and nobles, and obliged, in the time of the Easter festival, to abandon York and seek his safety in flight. He first retired to Bamburgh §, and thence accompanied by a few, to Cynoth king of the Picts. Ethelred, the son of Ethelwold Moll, was placed on the throne, but being driven into exile five years after, Ælfwold the son of Osulph recovered the crown of

Sim. Dun. de Geſt. Reg. Ang. p. 106. Turg. Hiſt. Ecc. Dun. l. 2. c. 3.

A. D. 758.

Sim. Dun. Chr. Sax.

A. D. 761. Sim. Dun. de Geſt. Reg. Ang. p. 106. Fl. Vig.

A. D. 774. Chr. Sax. Fl Vig.

A. D. 779. Chr. Sax. Fl. Vig.

ſuffering Offa the ſon of Aldfrid, one of the blood royal, after almoſt periſhing by hunger in the ſanctuary of St. Cuthbert, whither he had fled for refuge, to be carried away from it by unarmed foes, who afterwards put him to a cruel death. The king thus provoked, beſet St. Peter's church, ſeized the biſhop, and detained him a priſoner in Bamburgh, committing the adminiſtration of his See to Fredbert biſhop of Hexham, until Cynewulf having made his peace with him, was reſtored to his biſhopric. Turgot, l. 2. c. 2.

* Simeon ſays, the Engliſh kings offered him ſome part of their territories, provided he would retain his royal dignity.

† Egbert, being a prelate of ſpirit correſponding to his high deſcent, obtained from Rome the archiepiſcopal pall, A. D. 736, which none of his predeceſſors had poſſeſſed ſince Paulinus. He was eminently learned, and for the advancement of learning erected at York a noble library; in imitation of what archbiſhop Theodore had done at Canterbury in the preceding century. Stubbs.

‡ Eldun is the name of a village, and of the three remarkable hills juſt above it, to the weſt. Eldun, Aldyn, Hieldun, Halydon, Yeldun, all mean the ſame village, or the hills hard by it; the latter giving name to the village rather than the village to the hills. Simeon does not ſpeak of Eldun as being then without the bounds of the Northumbrian kingdom. Chr. Mailros, places this victory in 760; and ſays, that Unuſt king of the Picts died the ſame year.

§ On this occaſion Simeon deſcribes Bamburgh, or, as he calls it, Bebba. "Bebba vero civitas urbs eſt munitiſſima, non admodum magna, ſed quaſi duorum vel trium agrorum ſpatium, habens unum introitum cavatum et gradibus miro modo exaltatum. Habet in ſummitate montis eccleſiam præpulchre factam, in qua eſt ſcrinium ſpeciofum et pretioſum; in quo involuta pallio jacet dextra manus Sancti Oſwaldi regis incorrupta, ſicut narrat Beda hiſtoriographus hujus gentis. Eſt in occidente et in ſummitate ipſius civitatis, fons miro cavatus opere, dulcis ad potandum et puriſſimus ad videndum." De Geſt. Reg. An. A. D. 774.

his ancestors. Ælfwold was a prince of piety and justice; but these were not sufficient to secure him against that spirit of rebellion and anarchy, which had prevailed so long among the Northumbrians. He fell a victim *, in the tenth year of his reign, to a conspiracy formed against him by Siga one of his nobles. His nephew Osred, the son of king Alered succeeding him, was suffered only to reign a year; his nobles having treacherously seized him, shaved him as a monk, and forced him into a monastery at York. Ethelred, the son of Moll, being recalled from exile, Osred fled for refuge to the Isle of Man. Oelf and Oelfwin, the sons of Ælfwold, soon fell victims to Ethelred's treachery and cruelty: and Osred being drawn from his retreat by the oaths and entreaties of a part of the nobles, was betrayed and deserted by his followers, and falling into the hands of Ethelred, was put to death by him at Aynburg. Ethelred endeavoured farther to secure his possession of the Northumbrian kingdom, by marrying Elfleda, the daughter of his powerful neighbour Offa king of Mercia. But all these precautions did not avail to save him from a violent death, by the hands of his subjects, in the seventh year of his reign †. His successor Osbald one of the grandees of the kingdom, was not suffered to reign a month to an end. Being raised to the throne by a few of the nobles, who were not able to support him against a combination of a far greater number; he fled for refuge first to Holy Island, and then by sea to the king of the Picts ‡. Eardulf § was his successor, and in the second year of his reign (a) fought a battle ‖, against Wada the chief of the conspirators who had killed Ethelred. In this battle there was much slaughter on both sides, but Eardulf prevailed; and for the farther security of his crown, according to the barbarous ideas of security which then prevailed, he put to death Alchmund the son of Alered, in whom the ancient race of the Northumbrian kings was wholly extinguished.

Seven years before this event, the Danes made their first descent ** in Britain, that history gives any account of. As they were Heathens in religion,

R. Hag. de Hag. Ec. l. 1. c. 17.

A. D. 788. Flor. Vig. Ric. Hag.

A. D. 790. Sim. Dun.

A. D. 791.

Sim. Dun. G. . A. Chr Sax.

A. D. 792.

Sim Dun. Chr Sax. Fl. Vig.

A. D. 796.

Chr. Sax. El. Vig.

(a) A. D. 798. Sim. Dun. G. R. A. ad Ann.

A. D. 800.

A. D. 793.

* Ælfwold was killed at a place called Scythechester near the wall, and was buried with great solemnity in the church of Hexham. A miraculous light was said to have been often seen over the place where he was killed. Sim. Dun. Ric. Hag.

† At Cobre. Alcuin wrote on this occasion to Offa king of the Mercians, whose son-in-law Ethelred was, that Charlemagne was greatly provoked at the Northumbrians, on account of their perfidy and cruelty to their kings, esteeming them worse than Pagans. Gul. Malm. p. 26.

‡ Osbald became afterwards an abbot, and dying in 799, was buried in the church of York. Sim.

§ Eardulf was the son of a great noble or general of the same name, who had been put to death by the orders of king Ethelred in 792. His son now made king was recalled from exile; and was the first Saxon king, and the only one, so far as appears in the heptarchy, who was consecrated by the ceremony of Unction, which he received in the cathedral of York, from the hands of archbishop Eanbald, assisted by Higbald, Ethelbald, and Budowulf, bishops of Lindisfarn, Hexham, and Whithern. Sim. Dun. Gest. R. R. Ang. *anno* 796. Chr. Sax.

‖ It was fought, says Simeon of Durham in a place called by the English Billingahoth, near Wallalege. According to Dr Gibson, in his explication of names in the Saxon Chronicle, Wallalege is the same with Whaley in the eastern part of Lancashire.

** Six years before, some of them are said to have been seen on the coast of Dorsetshire, having approached with three ships in order to take a view of the island. At that time they killed a public officer, who was attempting to bring them before the king or governor of the adjacent district to give an account of themselves. Chr. Sax. Carte, vol. ii. p. 257. Tyrel, vol. i. p. 245.

they

they treated the churches and monasteries, together with the priests and monks their guardians and inhabitants, with unrelenting cruelty. Higbald the 5th in succession from St. Cuthbert, was then bishop of Lindisfarn *; and underwent the distress of seing his sanctuaries profaned, the abodes of the monks overturned, and their treasures plundered. Some of the holy brethren the barbarians slew, others they carried into captivity: some they drove ignominiously naked out of the convent, and some they drowned in the sea. In the year following, they re-acted the same scenes of cruelty on the monastery of Jarrow; but St. Cuthbert's just wrath, as the monk interpreted it, soon after overtook them: for in this descent, their chief falling into the hands of the English, was put to a cruel death; and a terrible storm arising, their fleet was dispersed and shattered, and a great part of it wrecked; the inhabitants of the country destroying those who attempted to gain the shore. The Pagans had not been acquainted with what the monks of Lindisfarn accounted their chief treasure; for the body of Cuthbert was left unhurt; and after the barbarians retired, the few monks who had escaped, returned to their convent; and there also the episcopal seat continued for a considerable time after. Chr. Sax. Sim. Dun. H. D. L. 2. c. 5.

Eardulf, the Northumbrian king last mentioned, appears to have been a prince of spirit. Some of his enemies having been protected by Kenulf, king of Mercia, Eardulf raised an army, and led it against the Mercian king, who, on his part, made great preparations for defence. But a reconciliation was effected by the interposition of the prelates and nobles of each kingdom; and a peace concluded, to continue during the lives of the kings. Eardulf, being expelled from his kingdom a few years after, was succeeded by Elfwold, who enjoyed that precarious crown two years. His successor was Eanred, the son of his predecessor Eardulf, who is said to have reigned thirty-three years. About the 20th of his reign, according to Malmsbury's computation, he became tributary to Egbert †, King of the West Saxons; on whom, and his successors, the Northumbrian kingdom continued afterwards dependent, unless when subject to the Danes. Eanred's son, Ethelred, succeeded him; and in the 10th year of his reign was slain by Osbert; who immediately ascended the throne in his stead ‡. Sim. Dun. A. D. 801. A. D. 807. A. D. 850.

* After the death of Cuthbert, Wilfrid administered the bishopric one year, Eadbert held it ten years, Eadfrid twenty-two, Ethelwold fixteen, Cynewulf forty-five, during the four last of which, his successor Higbald was his Coadjutor. Higbald was sole bishop twenty years, and the descent of the Danes happened in the eleventh year of his prelacy. It was at the desire of bishop Eadfrid, that Bede wrote the life of St. Cuthbert, which he inscribed to Eadfrid and the monks of Lindisfarn. Ethelwold, Eadfrid's successor, was a priest and abbot in the monastery of Mailros. Sim. H. E. D. l. 2. c. 3, 4, 5. Bed. l. 5. c. 12.

† As soon as Egbert had passed the Humber and advanced with his army to Dore in Yorkshire, the Northumbrians submitted to him and became his subjects, Chr. Sax. ad A. D. 827. (Carte, vol. i. p. 286.)

‡ According to Malmsbury, after the death of Ethelred in 796, nobody had courage enough to accept the Northumbrian crown; the advancement to it appearing, in so many instances, to lead to certain destruction. Hence the Northumbrians continued in a state of anarchy thirty-three years, at the end of which they became dependent on Egbert, to whom and his successors, the kings who afterwards reigned in Northumbarland, paid homage and tribute. Malmsbury's account of this matter appears to be lame and imperfect, and more credit seems due to the relation of Simeon of Durham.

In

In the end of the reign of Eanred, and former part of that of his son Ethelred, a great revolution was effected in the neighbouring country of Scotland. That country had for many ages been possessed by the Scots and Picts; the former inhabiting the Western, and the other the Eastern part of it. The intimate union, which had long subsisted between these people, was greatly impaired by the Picts entering into leagues with the Saxons, against the Britons, with whom the Scots were in alliance. But the strifes that arose from this, and other sources, were often succeeded by intervals of peace and concord; during which there were frequent intermarriages between the royal
Ford. l. 3. c. 24. families of the two kingdoms. In consequence of some affinity of this kind, the Scottish king Dungal, the son of Selvachius, who began to reign in the year 824, laid claim to the Pictish throne*. But the Picts refusing to acknowledge
A. D. 831 his title, he commenced a war in support of it. He died in the seventh year of his reign, while the strife was yet depending: and his successor Alpin, continuing the war with great fury, fell a victim to the resentment of his ad-
Id. l. 4. c. 2. versaries, after a reign of three years. For the Picts having defeated him in battle and taken him prisoner, they rejected all offers of ransom, and cruelly cut off his head. His son Kenneth, having the powerful incentive of revenging the death of a father, added to the *same* claims *with those* of his predecessors, and having the address to re-animate the courage of his nobles, sadly dispirited by the late defeat and loss of their king; resumed the war, with invincible resolution, joined to talents far surpassing those of the preceding
A. D. 839. kings. In the sixth year of his reign, having defeated and slain in battle
Ford. l. 4. c. 3. 9, 13. Drusken the last Pictish king †, he seized the government of his dominions; and uniting them to those he inherited from his ancestors, became the first monarch of all Scotland. But the remaining warriors of the Pictish nation still continued a fierce opposition to their conquerors; wherein they were assisted by their ancient allies the Saxons of Northumberland. The obstinate and united efforts of these people served only to give new opportunities to

* H. Boethius, and the other Scottish historians who copy from him, pretend to explain the particular ground of the title, by which the Scottish kings claimed the crown of the Picts. But how those writers could have any good authorities for this, unknown to Fordun, is hard to account for; and Fordun says expressly, *Novit ille, cui nihil ignotum est, hanc ultimæ contentionis causam, et quorum culpa cæptum est crudelissimum hoc bellum, &c.* Scotich. l. 3. c. ult.

† In the catalogue of the Pictish kings, published by father Innes, from an ancient MS. now in the French king's library, the name of the last of these kings is Bred; the 76th from Cruidne or Cruythne, who is the first Pictish monarch both in this chronicle published by Innes, and in the catalogue given by Fordun. Innes endeavours to reduce to a just chronology the reigns of these Pictish kings, according to the years severally assigned them in his MS. Chronicle, down from Drust the 37th of them, whose reign began A. D. 406. to the destruction of their line by Kenneth, which happened according to the summing of these reigns in 842. And he finds the dates of events in the reigns of some of the Pictish kings, which may be depended on as being given by good historians, and the most of which are mentioned above, to accord with a chronological table which he deduces from his Chronicle: while the catalogue and lengths of those reigns given by Fordun cannot be reconciled to those dates. But Goodal, in c. 9. of his learned preface to Fordun, makes some remarks that seem very much to shake the credit both of the favourite Chronicle and its commentator. Innes, App. to Crit. Essay In truth, nothing authentic seems to remain of the history of the Picts, but a few gleanings from the history of the Scots and Saxons; which, during the period of the Pictish monarchy, are themselves extremely imperfect.

Kenneth

Kenneth, of increasing his glory and adding to his dominions. For as he is said to have extended these to the Tweed, it seems probable that, besides the country of the Picts, he conquered also a considerable territory from the Saxons *, which the latter held to the north of that river. Some miserable remains of the Picts, after having harrassed their conquerors, for a while, from the desarts, and fastnesses of the country late their own, were at last obliged totally to abandon it, and to seek refuge among the Saxons or Norwegians; so that history affords few examples of any nation, which with its language, and almost every memorial of its existence, was so entirely extirpated, as that of the Picts. Higden's Poly-Chron. p. 194. 210.

The time when the river Tweed became the boundary on the eastern side of the Island, between the Scots and Saxons, seems a very probable æra for the building of Berwick, the most remarkable town on the eastern border, and the scene afterwards of great events; or at least, for its becoming considerable as a place of strength. While the Saxons possessed the country on the north of the Tweed, the situation of Berwick was remote from their frontier towards the Picts, and at the same time so near the royal residence at Bamburgh, and the episcopal see of Holy Island, that it could not rise to fame or importance, either as a fortress or as a seat of civil or religious government: and the commerce of that age and corner was too trivial, to render it any way eminent or flourishing. But when Tweed became the boundary of the Scots towards England, it was natural for them to raise a town in the situation of Berwick, and to strengthen it by such rude walls, as that age was acquainted with, as well as by a colony of fighting men, for the defence of the town itself, and the neighbouring frontier. But it cannot, however be said, that the probability of Berwick becoming about this time a place of importance, is much increased, by its appearing for the first time, so far as is known in history, in the account given by the Scottish historian Hector Boethius, of the reign of Donald, the brother, and immediate successor of Kenneth, the conqueror of the Picts. According to that historian, Donald, after defeating, near the river Jed, Osbert the last mentioned king of the Northumbrians, whom the Pictish refugees in his kingdom had excited to invade the dominions of the Scottish king, marched down by the course of the Tweed to Berwick; which the Saxons had taken but abandoned, on receiving the news of the great defeat suffered by their king. Donald having seized there some Saxon ships in the harbour, with a great booty on board; he and his followers abandoned themselves to indolence and rioting, and the Saxons availing themselves of this security, and making an unexpected assault on the town in the night time, destroyed a vast number of Scots, and took the king prisoner. The consequence of this success is said to have been, the reduction of that part of Scotland, which lieth to the south of the Friths of Forth and Huntingt H. Boeth. l. 20.

* Higden, from Giraldus Cambrenſis, ſays, that Kenneth gave ſix defeats to Saxony or the Saxons (ſexies Saxoniam debellavit), and as he adds immediately, ſubdued all the country from the Scottiſh ſea to the Tweed. The excerps from an ancient Chronicle, in the Colbertin and king of France's library, ſays, that Kenneth invaded Saxony ſix times, and burnt Dunbar and Mailros. Inn. Crit. Eſſay. App. p. 783.

Clyde

Clyde, under the power of the Saxons and Britons; other improbable circumstances are also added. But, besides, that those conquests of the Northumbrians are not mentioned by any of the English historians, and are incompatible with the chronology of the Northumbrian kings, and with the weakness to which that kingdom must have been reduced by its intestine divisions, they are directly opposite to the short account given of Donald by Fordun, the oldest and most authentic compiler of Scots history. For according to that author, Donald was a prince, at the same time pacific and brave: and when the Picts, who had taken refuge in Northumberland, were, after Kenneth their conqueror's death, instigated and aided by the English to invade the marches of Scotland, they were by Donald's good conduct defeated and totally cut off.

Ford l. 4. c. 15.

Egbert the first Saxon king of all England, had scarce finished his work of subduing the Heptarchy, and thereby laid a foundation for the domestic tranquillity of the southern part of the Island; when swarms of fierce invaders from Denmark and the adjoining northern countries, began their descents and ravages on the English coasts. These Barbarians were the same people who, about the same period, infested the French coasts, and by the French were called Normans, or Men of the North: they are thought to have consisted, in great part, of the bravest of the Saxons; who disdaining to submit to Charlemagne, the conqueror of their nation, fled to the neighbouring maritime countries, situated to the North of them on the continent. Their resentment against the French, prompted them to make their first piratical descents on the coasts of that people; but the spirit of that kind of war naturally extended it to whatever other countries fell in their way, and tempted them with the prospect of booty. The descents, already taken notice of in the end of the preceding century, were soon over, and had no lasting consequences; but those that were begun in the last years of Egbert's reign, were renewed and supported with great obstinacy, for many succeeding years, and produced unspeakable distress and desolation, almost over the whole of Britain. In the year that Kenneth, passing the mountains of Drumalbin, destroyed the monarchy of the Picts, these latter people are said to have been weakened by a great overthrow they had received from the Danish pirates; which overthrow paved the way to Kenneth's conquest. About twenty-six years after, in the seventeenth year of the reign of the Northumbrian king Osbert, the most formidable invasion was made by these barbarians that had hitherto been known in the northern parts of the Island.

A. D. 832. Chron. Sax.

Ford. Scotich. l. 4. c. 4.

A. D. 866.

This invasion is by one of the English annalists ascribed to the resentment of Bruern Brocard, a Northumbrian nobleman, for a rape committed on his beautiful wife by king Osbert. The king had perpetrated this crime in Bruern's own house, after having been courteously received and entertained by the lady, in her husband's absence; Bruern, discovering on his return, the irreparable wrong the king had done him, went to court, accompanied by his kindred, and solemnly renounced his allegiance, and the lands he held of Osbert. Then passing over into Denmark, he acquainted Godrin or Guthern, the king of that country, with the injury he had sustained, and intreated his aid

Chr. Joan. Trompton, 802.

aid to revenge it. The Danish monarch, who is said to have been related in blood to Bruern, very readily hearkened to his supplication; and sent over to the Northumbrian coasts a mighty army, under the command of Inguar and Hubba *, brothers, and most renowned captains. Having disembarked near the mouth of the Humber, they marched towards York; and Osbert, with his army, having come forth from that city to meet them, was totally discomfited: Osbert himself falling in the battle. The kindred and friends of Bruern, after withdrawing their subjection from Osbert, had set up Œlla for their king; and established his dominion over some part of the Northumbrian kingdom. Œlla, unwilling that the Danes should settle in his neighbourhood, marched against them towards York; of which city they had taken possession, after destroying Osbert and his army. But the miserable fate of Osbert overwhelmed also Œlla and his followers, at a place near York, afterwards called Ellescroft, from the name of the slaughtered king. According to other accounts, and these from authors more deserving of credit, Œlla, said to be an usurper, had held the Northumbrian crown five years, though without wholly subduing Osbert; when the Danes under Haldan, Hinguar, Hubba, and several other kings and chieftains, passed over from the country of the East Angles into Yorkshire, and having taken York, ravaged all the country as far as the Tyne. These circumstances of common and dreadful danger induced the rivals for the Northumbrian crown, by the interposition of their Nobles, to conclude an agreement. After which, being accompanied with eight earls, and marching their united forces against the Danes, whose chief strength was at York, they prevailed so far at first as to force their way into the city; but

Chron. Sax. Fl. Vig. p. 585. Sim. Dun. G. R. A. p. 142. Hiſt. Dun. Ecc. p. 14.

A. D. 867.

* According to Matthew of Weſtminſter, Inguar and Hubba, with the vaſt multitudes that accompanied them, did not arrive in England until the year 870. The principal view of their expedition, according to that writer, was againſt the dominions and perſon of Edmund king of the Eaſt Angles, afterwards St. Edmund; who, by an exiled traitor that had perpetrated the fact himſelf, was moſt falſely charged with putting to death the father of the Daniſh chieftains. Inguar and Hubba purpoſed to land on the coaſts of Edmund's kingdom: but being driven northwards by contrary winds, they were obliged to come on ſhore at Berwick upon Tweed. The convent of Coldingham, having been, it ſeems, reſtored after the conflagration formerly related, was then filled with nuns under the government of an abbeſs called Ebba. This pious lady, dreading the barbarities which the heathen invaders exerciſed againſt all perſons devoted to religion, called together the nuns, and informing them of the hazard to which their chaſtity was expoſed, at the ſame time told them ſhe had deviſed a way, by which, if they would follow her advice, they might eſcape the danger. All of them, declaring their readineſs to do any thing for that purpoſe ſhe pleaſed, ſhe pulled forth a razor, and before them all cut off her noſe and upper lip: her example was immediately followed by the whole ſiſterhood. The Danes arriving next morning, in the hopes of gratifying their brutal luſts, were ſhocked with the deformed and bloody ſpectacles, that every where preſented themſelves. At the ſame time, enraged at their diſappointment, they ſet fire to the convent, in the flames of which its wretched inhabitants were conſumed. According to Matthew, the Danes alſo at this time deſtroyed the monaſtery of Holy Iſland, the nunnery at Tynmouth, and the monaſteries of Jarrow and Weremouth. But the more ancient annaliſts (Chr. Sax. Sim. Dun. and Fl. Vig.) make no mention of the ſtory of Coldingham, nor ſpeak of the deſtruction of the other convents as happening this year. Perhaps, therefore, Matthew, or ſome other author whom he follows, confounds this invaſion with that which happened more than ſeventy years before; eſpecially as Matthew makes no mention of that invaſion. Probably, alſo, the ſtory of Ebba and her nuns, is of the ſame authenticity with the legendary tales about St. Edmund. Matt. Weſtm. p. 161, 162, 163.

the Danes, still obstinately resisting and exerting their last efforts, gave the aggressors a total overthrow, and slew both their * kings in the action.

The Danes, after this victory, made Egbert king of the Northumbrian dominions on the North of the Tyne; which he was to hold in a state of dependence upon them. These fierce conquerors being afterwards employed in expeditions against some of the more southern parts of England, the Northumbrians expelled Egbert from the throne, and raised to it one called Ricsig. But not long after, Halden, the Danish king, marching towards the sea-coast with the greatest part of his army, from Repton in Derbyshire, where he had for some time resided, embarked his troops; and having entered the Tyne, landed them near Tynmouth. After wintering there, the Danes spread their ravages from the east to the western sea, over all those parts of the Northumbrian kingdom that lay on the North of the Tyne, and which had hitherto escaped their fury. The churches and monasteries, with the priests and monks, being still the peculiar objects of their destroying rage, Eardulf, at that time bishop of Lindisfarn, and Eadred abbot of the convent there, resolved to abandon a place, whose revered sanctity among Christians served only to expose it the more to the barbarous fury of Pagan invaders. But in forsaking the place, they carried along with them all those things that made it be esteemed holy; the incorrupted body of their patron St. Cuthbert, and the † relics of his brother saints. With these, the bishop and abbot, accompanied with several priests, who had been trained up in the monastery; seven of whom were distinguished above the rest, by their having the peculiar charge of attending and carrying the *repository* of the sacred body; wandered through Northumberland for the space of seven years, exposed to innumerable hardships and perils; and from the time of their deserting Lindisfarn, that Island ceased to be an episcopal see, after having enjoyed that honour 241 years ‡.

A. D. 873. Sim. Dun. Chron. Sax.

A. D. 87 .

Sim. Dun, H. D. Ecc. l. 2. c. 6.

In

* Simeon of Durham aſcribes the deſtruction of theſe two kings, to the injuries they had done to the church of St. Cuthbert. Oſbert having ſacrilegiouſly taken from it Werieworde (Warkworth) and Tillmouth; and Ella, Billingham, Ileclif, Wigeclif. and Creek. Sim. Hiſt. Dun. Ecc. l. 2. c. 6 The ruins of a chapel, formerly ſacred to St. Cuthbert, ſtill remain a little below the preſent village of Tillmouth, one of the places mentioned above, and very nigh the conflux of the Till and Tweed; and by the ſide of theſe ruins lie the fragments of a great ſtone trough, which the people of the neighbourhood call a ſtone boat; in which, tradition ſays, St, Cuthbert ſailed down the Tweed from Mailros to this place. Sir Francis Blake, the preſent proprietor of the grounds, had the curioſity, to examine on hydroſtatical principles, whether this great trough, when entire; might have ſwam: and found that it certainly might. But the ſwimming of ſo great a maſs of ſtone was a notable miracle for the times of monkiſh ſuperſtition.

† Theſe relics, according to Simeon, were the head of Oſwald king and martyr, part of the bones of Aidan, Colman having carried the reſt to Scotland; and the bones alſo of Cuthbert's ſucceſſors, Eadbert, Eadfrid, and Ethelwold. Sim. ib. They were all contained in one ſhrine, *in ejuſdem theccæ loculo.* (Simeon's words.)

‡ Higbald, who was biſhop of Lindisfarn at the time of the invaſion of the Danes in 793, held that ſee till 802, and was ſucceeded by Egbert who died in 820: his ſucceſſor Heathured died in 829; and was ſucceeded by Egred, who died in 845; Eanbert was Egred's ſucceſſor, and died in 854; Eardulf ſucceeded, and in the 21ſt year of his biſhopric fled from Holy Iſland, as is related in the text. Of theſe biſhops, Egfrid was a man of a noble family, and diſtinguiſhed himſelf above all

In the year before this desertion of Lindisfarn, the Scottish king, Constantine, the son of Kenneth the Great, who had succeeded his uncle Donald in 858, was defeated in a battle with the Norwegians, on the coast of Fife, and put to death in a cave near Carrail, which from that event was called the Black or devil's cave. The Norwegians are said to have been instigated to invade Scotland by certain Picts, who had fled for refuge to Norway; and the destruction of Constantine and his army is also ascribed to the treachery of some of that people; who, in violation of their plighted faith, had deserted the Scots in the time of action. The arms of these northern invaders about this period universally prevailing, and particularly in Northumberland, where nothing remained capable of resisting them, the Danish king Haldan *, in the August of the year after the desertion of Lindisfarn, divided the country of Northumberland among his followers who now began to plow and sow; and from this time the Danes date the beginning of their reign over that country. Ricsig, who probably had made his peace with the Danes, dying this year, another Egbert succeeded him, being raised to that dignity by the Danes, and having under his dominion the country on the north of the Tyne.

A. D. 874. Ford. v. i. p. 193.

Chr. Sax. p. 84. A D. 870.

Chron. Mailros

At this time, the illustrious Alfred, grandson of Egbert, and the youngest of four sons of Ethelwolph, who had in succession mounted the throne of their father †, was in the 4th or 5th year of his reign. During the reigns of his father and three brothers, the dominion of these princes had been with little interruption, harrassed by invasions of the Danes. The numbers, ferocity, and horrid treachery of these Barbarians, gave a severe exercise to the extraordinary talents and invincible courage of Alfred, through the first six years of his reign. He was at last reduced to the necessity of seeking his safety for some weeks, in an obscure and inaccessible retreat in the marches of Somersetshire. But issuing thence unexpectedly, he gave a numerous army of his adversaries a total defeat; and this victory introduced a course of prosperity, which never after deserted him, and which he employed in the noble works of restoring religion, good government, and the useful arts of life, through all parts of his dominions. Guthern, one of the Danish kings, whom he conquered in the battle just mentioned, was persuaded by him, together with his nobles, to embrace the Christian religion, and was raised by Alfred to the kingdom of the East Angles, which he held of the Saxon monarch as his

A. D. 878.

all his predeceſſors, by the great additions he made to the dominions of St. Cuthbert. He built the church of Norham to the honour of St. Peter, St. Cuthbert, and Ceolwulf, (king and afterwards monk) and removed to it the body of St. Ceolwulf; and gave to St. Cuthbert the town of Norham, and two towns built by him both of the name of Jedword, with their dependencies; and a church and town he had erected at a place called Geinford, and all belonging to it, from the Tees to the Weor. He added alſo to theſe, Eleclif and Wigeclif, and Billingham in Heorterneſs. Sim. H: D. E. l. 2, c. 5, alſo Hiſt. de Sto. Cutherberto, &c. p. 69.

* Haldane, a village, on the march towards England, in the eaſtern part of Teviotdale, is probably named from this Daniſh king. Haldane-rigg, Lurdanelaw, Redden or Raveden (not unlike in ſound to Reafen the name of the Daniſh or inchanted ſtandard) Woden, Howden, or Hoveden, are all of them names of places in that neighbourhood within a few miles of each other, which would ſeem to indicate a conſiderable ſettlement of the Danes to have been once there.

† His three elder brothers were Ethelbald, Ethelbert, and Ethelred, whoſe reigns extended from 857 to 872.

vassal. The monks relate, that St. Cuthbert, appearing in a vision to Alfred, in the extremity of his distress, foretold to him his approaching deliverance and successes. The accomplishment of this prediction, is said to have inspired Alfred with the highest veneration for Cuthbert; of which he soon after gave a conspicuous proof. For the army of Danes, which had settled in Northumberland, having lost their king Haldan, in the war which this prince waged, in conjunction with other princes of his countrymen, against Alfred in the southern parts of his dominions, remained some time without a head. In these circumstances, Eadred the abbot of Lindisfarn, who together with his bishop, was still flying from one retreat to another with the body of St. Cuthbert, assured the bishop and the whole army of Danes and English, that St. Cuthbert appearing to him in a vision, had commanded them to redeem from slavery *Guthred*, the son of Hardicnut, a youth whom the Danes had sold to a widow at Whittingham, and to make him their king. This injunction was received with universal reverence, and instantly obeyed. Guthred was placed on the throne at York, having the southern part of Northumberland subject to him; while Egbert reigned over the northern part of that kingdom. Tranquillity and security being thus in some degree gained, and many of the Danes having become Christians, the see of Lindisfarn was restored at Chester*, and this place continued the episcopal seat for 113 years; at the expiration whereof, it was removed to Durham. Guthred, in gratitude to St. Cuthbert, to whom he ascribed his extraordinary elevation from slavery to a throne, added to the former possessions of the bishopric of Lindisfarn all the country between the Tyne and Tees †, known in latter times by the name of the bishopric of Durham: and Alfred's veneration for the same saint, induced him both to confirm Guthred in his regal dignity, and to ratify his great donation to Cuthbert. After the death of Guthred, which happened in the 11th year of his reign, the Pagan Danes of Northumberland, notwithstanding an oath of fidelity, and hostages, which they had lately given to Alfred, joined a great army of their countrymen from the continent, which invaded Alfred's southern provinces. But the success of this war, which continued three years, was wholly on the side of Alfred, and the poor remains of the invaders, having retired into Northumberland, were there furnished with ships, in which they sailed over to Normandy. After their departure, Alfrid easily reduced Northumberland to his subjection; and, not appointing any vassal king either over the Northumbrians, or East Angles, the prince that he had set over the latter dying not long before, was the first king who had held under his immediate subjection all the provinces of the heptarchy.

Cotemporary with Alfrid during the most part of his reign, was the

Sim. Dun. G. R A. p. 146. H. Dun. Ecc. l. 2. c. 13.

Sim. Dun. Ib. p. 147.

A. D. 883.

A. D. 89[illegible] Sim. Dun. G. R. A. p. 151.

* Anciently called Cunceſtre, now Cheſter-le ſtreet.

† In Simeon or Turgot's Hiſt. Dun. Ecc. this grant, which is ſaid to have been made in conſequence of another viſion of St. Cuthbert to Eadred, is repreſented as comprehending only the country between the Weor (Were) and Tyne, p. 22. At the ſame time the king appointed St Cuthbert's church to be a place of refuge for ſuch as ſhould fly to it, for the ſpace of thirty-ſeven days.

Scottish

Scottish king Gregory * ; whom the historians of his country dignify with the name of Great, in emulation, perhaps of the fame of the English monarch who justly bore that title. Mighty exploits and conquests are ascribed to him, by these historians, both in England and Ireland; but of these feats there remains no trace, nor mention of their author in any of the ancient writers of English history. Fordun relates, that the northern provinces of England adjacent to Scotland willingly submitted to Gregory. Boethius and his copyists descend to particulars, and among the other exploits of their hero, mention his taking of Berwick; which was held by a garrison of Pagan Danes. But the inhabitants, being Saxons and Christians, when the Scottish king with his army came before it, betrayed it into the hands of the besiegers, and joined in putting the garrison to the sword. Gregory is afterwards said to have given a total defeat, somewhere in Northumberland, to an army of Danes, commanded by a king or leader called Hardunt: this victory was followed by the subjection of all Northumberland, and the winter that succeeded this prosperous campaign, the Scottish monarch is said to have spent in Berwick. To the name of Hardunt there is some resemblance in that of Hardicnut, mentioned before, as the father of king Guthred. And St. Cuthbert the patron of this king, is related by the monks to have wrought a most astonishing miracle in his favour against a great army of Scots, who had entered Northumberland, and destroyed, or attempted to destroy, the monastery of Lindisfarn. For when Guthred's army, and that of the Scots, were drawn up in array against each other, and ready to engage, the earth opening, swallowed up in a moment of time, the whole Scottish army. And this is all the mention that is made of the Scots, by any writers of English history, during the reign of Alfred.

Ford. l. 4. Boet. Hift. Scot. l. 10. fol. 215.

Sim. Dun. H. E. Dun. l. 2, c. 13.

Donald VI. the son of Constantine, and grandson of Kenneth the Great, having suceeded Gregory on the throne of Scotland, is said to have preserved, with great labour, the acquisitions of his predecessor, and after a reign of eleven years, to have transmitted them to his successor Constantine. This prince reigned 40 years, and was cotemporary with the two English monarchs, Edward sirnamed the Elder, and Athelstane; of which the former was the son and immediate successor of Alfred, as the latter was of Edward. Both these were able and warlike princes, and had quarrels with Constantine, on the account of his aiding the Danes of Northumberland; who were still ready, on every occasion to revolt from the Saxon kings. In the second year of the reign of Edward, Ethelwold his cousin rebelled against him; and being obliged to fly from the southern provinces where his rebellion began, took refuge first in Normandy, and thence coming over to Northumberland, was acknowledged by the Danes of that country as their king. Two years after, Ethelwold having joined to his Northumbrian Danes, those of Essex, who had also put themselves under his dominion, invaded some parts of the country

Ford. l. 4. c. 20.

A. D. 903, —913.

* Gregory reigned from 875 to 892. His predeceſſor was Eth, ſirnamed Swiftfoot (Alipes,) the brother of Conſtantine whom the Danes had ſlain. Eth was killed in the ſecond year of his reign, in a battle with Gregory, who mounted the throne, after ſucceſsfully aſſerting by the ſword his title to it, as derived from his father Donald. Fordun.

of

A. D. 905. A. D. 911. of the West Saxons; but engaging with part of Edward's forces, fell in a battle, wherein his own army were the victors. A few years after, the Northumbrian Danes, having in violation of a peace which Edward had concluded with them, invaded, in conjunction with those of their countrymen called the *Fifburghers* *, some of the southern provinces, received a total defeat in Staffordshire, where they are said to have lost two of their kings †; and all the spoil, which they were carrying homewards, was recovered. In the latter years of his reign, Edward prosecuted with equal vigour and success the total reduction of the Danes, who were continually disturbing him by their insurrections. The fame of his power and great exploits flying before him, as he moved northwards, the Northumbrian kings, Regnald, and Aldred the son of Eadulf, with all the inhabitants of the Northumbrian provinces, submitted to his empire; as are also said to have done all the other northern princes, and among the rest, the king and nation of Scotland ‡.

Chron. Sax. Flor. Vig.

A. D. 924. Chr. Sax. p. 110.

Athelstane, who succeeded Edward, and is commonly said to have been his natural son, was still a greater prince than his father. Soon after his ascending the throne, he gave his sister Edgitha, in marriage to Sititric the Danish king of Northumberland, hoping as it would seem, by this natural attachment, to put an end to the continual rebellions of the Danish inhabitants of that province. But, if this was his view, it was soon disappointed; for Sititric § died the year after his marriage. Whereupon Adulph endeavoured to make himself master of his territories, and seized Bamburgh ‖; from whence he was soon expelled by Athelstane. Afterwards, Godfrid, the son of Sititric assumed the name of King, without Athelstane's consent; and seized the strong places of the country. But the Saxon monarch marching against him with a numerous army, he fled into Scotland; and Athelstane again established the country under his own immediate subjection, as he had done lately before upon the death of his brother-in-law Sititric. The flight of Godfrid to Scotland, the hospitable entertainment and protection he received

A. D. 925.

A. D. 926. Chr. J. Wallingford. Malmef.

Chron. Sax.

* From their inhabiting the five towns of Derby, Nottingham, Leiceſter, Lincoln, and Stamford, in which towns Alfred had allowed them to remain. Carte, vol. i. p. 319.

† Florence of Worceſter calls theſe princes, *Eowils* and *Halfden*, brothers of king Hinguar.

‡ This is the firſt mention of Scotland being brought under the ſovereignty of any Saxon monarchs.

§ John of Wallinford relates, that Athelſtane did, at the time of Sititric's marriage with his ſiſter, advance him to the title of king, and that his dominions conſiſted of the country extending from the Tees to Edinburgh. (Tyrrel. vol. i. p. 330.) Fordun ſays, it was thought that Sititric was cut off, by ſome treacherous contrivance of Athelſtane, in leſs than nine months after his marriage. Boethius is more particular: affirming that Athelſtane inſtigated his ſiſter, whom he calls Beatrix, to give her huſband poiſon. (Ford. l. 4 c. 24. Boet. l. 11.) Matthew of Weſtminſter relates, that Sititric for the love of Edgitha abandoned paganiſm; to which afterwards returning, he died an uncommon and ſhameful death. M. W. p. 185 *Vitam mirabiliter terminavit:* and afterwards he, with Florence of Worceſter, mentions the appearance of fiery beams in the north, which he ſays, were ſeen over all England, and portended the moſt ſhameful death *(mortem turpiſſimam)* of Sititric, *qui non multo poſt malé periit.*

‖ According to Florence of Worceſter, it was Aldred the ſon of Eadulf, whom Athelſtane expelled from the royal reſidence, which, in the Engliſh tongue, is called Bebbanberig. Flor. ad An. 926.

there

there from Constantine, excited Athelstane once and again to invade that kingdom; wherein, according to the English Historians, his arms prevailed over all opposition; and Constantine was obliged to submit to the victor as his sovereign lord. But the Scottish king soon attempted to free himself from this subjection, by joining Anlaff king of Ireland and the Isles, who was the son of Sititric, and Constantine's own son-in-law, in a formidable descent made on England by the river Humber. These two kings, whom many princes and chieftains of the north accompanied as allies, received a total defeat from Athelstane and his brother Edmund, in a memorable battle fought at Brunanburgh *, a place the situation of which is now uncertain. Athelstane by this victory established his dominion over Northumberland, and recovered Cumberland and Westmorland from the Scots. The English king died about three years after this victory, and two years after the death of Athelstane; Constantine, who had with difficulty escaped from the battle of Brunanburgh, retired into a monastery of the Culdees, at St. Andrews, where he spent the remaining five years of his life.

Chron. Sax. Fl. Wor. A. D. 937. Sim. Dun. p. 155.

Ford. l. 4. c. 25

Edmund, the brother of Athelstane, succeeded him on the English throne, and two years after Malcolm I. succeeded Constantine in the kingdom of Scotland. Perhaps the youth of Edmund who began to reign in the eighteenth year of his age, encouraged the Northumbrians to indulge their old rebellious disposition, by recalling Anlaff †, the son of Sititric out of Ireland, and making him their king. Yet all of them did not submit to him, for some part of the country acknowledged as their king Regnald, son of Godfrid. These little potentates, sensible of their inability to contend with the great Saxon monarch, who led an army against them, conciliated his protection by turning Christians: whereupon Edmund received Anlaff from the fount at his baptism; and soon after adopted Regnald as his son in the rite of confirmation. But this friendship did not long continue; for two years after, the Saxon monarch, provoked by the perfidy of the Northumbrian princes,

A. D. 941: A. D. 943.

Malmef. l. 2. c. 7.

Chron. Sax. Fl. Vig. p. 608. A. D. 942.

A D. 944.

* Camden, from a reſemblance, I ſuppoſe, of the names, takes Brunanburgh to have been Brumford or Brumbridge in Northumberland, ſituated where the river Till changes its name from Bramiſh to Till: but the invaſion of the Scots and their allies being made by the Humber, renders this account of the ſituation of Brunanburgh improbable. Fordun, in his hiſtory of the reign of Conſtantine, makes no mention of Athelſtane's invaſion and conqueſt of Scotland, although he had Malmeſbury's accounts of theſe before him; but acknowledges, that the battle of Brunanburgh was fatal to the Scots; they having loſt by it the dominions conquered in the times of Gregory, and afterwards: and which had been in their poſſeſſion fifty-four years or more. This battle he places A. D. 939, one year later than the Saxon Chronicle, and two years later than Florence of Worceſter. According to the ſame author, Conſtantine was the firſt of the Scottiſh kings, who made the apparent heir to his crown prince of Cumberland. Eugene, who was the apparent heir of Conſtantine, had this dominion conferred upon him in the ſixteenth year of Conſtantine's reign. A. D. 919. Fordun, l. 4. c. 24, 25.

† Roger Hoveden calls him Onlaff, king of the Norwegians, and relates, that he made ſo formidable an invaſion into Edmund's dominions, that the latter, by a league, concluded through the interpoſition of Odo archbiſhop of Canterbury, and Walſton of York, reſigned to him all the country to the north of Watling-ſtreet, then he ſays, that Onlaff having deſtroyed the church of Baltherus and burnt Tynningham, ſoon after died. He adds, that the inhabitants of York waſted the Iſle of Lindisfarn, and ſlew many: and ſubjoins after all, that a ſon of Sititric named Onlaff, reigned over the Northumbrians. Hoveden, p. 423.

drove

drove both of them out of their dominions. For the farther security of these
A. D. 945. Ford. l. 4. c. 26. northern provinces against the insurrections or invasions of the Danes, after having wasted Cumberland, he made a present of it, to Malcolm king of Scotland *; thereby engaging that king to enter into close alliance with him, against the barbarous invaders of the north.

A. D. 946. Edmund's short reign being brought to a period by a violent and untimely death, he was succeeded by his brother Edred. This king, soon after his
Chron. Sax. Chron. Mailr. accession, quieted some new commotions among the Northumbrians, and reduced them to a state of entire subjection †. But this was in a few years in-
A. D. 949. terrupted by the return of Anlaff; whom they again received as their king.
A. D. 952. They themselves soon after expelled him, and advanced to the regal dignity Yric the son of Harold. Edred, provoked to the highest degree by their in-
Flor. Vig. p. 604. Sim. Dun. G. R. A. p. 156. veterate perfidy, made an expedition into their country, spreading desolation wherever he came ‡. But as he was returning homewards, a body of Northumbrians sallying out of York, attacked the rear of his army, and slew a great number of them. Upon which, the king, greatly enraged, threatened to return and make a total destruction of every thing he had hitherto spared.
A. D. 954. The Northumbrians, terrified with these menaces, expelled the king they had chosen; and by the force of humble submissions, promises, and presents, prevailed with Edred to lay aside his resentment and receive them into favour.
Sim. Dun. G. R. A. p. 204. Hoved. p. 423. In Yric, whom they now expelled §, the name and dignity of king was for ever extinguished among them. They also slew Amancus the son of Onlaf, a pretender to their throne; and were thenceforth governed by Earls under the Saxon monarchs; the first of whom was Osulph, at this time created by Edred.

Under the reign of Edred, a weak and superstitious prince, Dunstan, abbot of Glanstonbury, had acquired exorbitant power and credit at the English court. This emboldened him to behave in so insolent a manner to Edwy, Edred's nephew and successor ||, as provoked that monarch to banish him to

* Fearing, says Fordun, lest the people of Cumberland should adhere to the Scots, as the Northumbrians did to Anlaff. It was also, according to the same author, agreed, that Indulf the heir of Malcolm, and his successors, heirs to the kings of Scotland, should swear fealty and do homage to Edmund and his successors, for Cumberland. Ford. l. 4. c. 21.

† At the same time he is said to have received an oath of fealty from the Scots. *Scoti etiam* (says the Saxon Chronicle) *ei juramenta præstiterunt sese velle quicquid is vellet: A Scotis*, (says Florence of Worcester) *ut sibi fideles essent, juramentum accepit.* According to Fordun, this oath of fealty was given for Malcolm by Indulfus prince of Cumberland, agreeable to the condition on which Edmund had given the province to the Scotch king. Ford. l. 4. c. 27.

‡ According to Fordun, Edred was assisted in this expedition by Malcolm, who thereby provoked the grievous resentment of the Norwegians and Danes.

§ Florence of Worcester and the Mailros Chronicle place the expulsion of Yric in the year 950. The former doth not mention the restoration of Anlaf; which by the latter is placed in 947. In 949, according to Florence and Simeon of Durham, Wulstan archbishop of York, and the Northumbrian nobles, swore fealty to Edred in a town called Taddenscliff; but soon broke their oath, by raising one Incus of Danish extraction to their throne. This oath to Edred, the Mailros Chronicle speaks of, as a consequence of their expelling Anlaf, and places it in 948; in which year Hoveden places the expulsion of Yric. Other English annalists differ somewhat in their accounts of the times and circumstances of these transactions; but none of them seem more deserving of credit than those we have quoted.

|| Edwy was eldest son to Edmund, Edred's brother and immediate predecessor.

Flanders

Flanders. But such was the influence of Dunstan and his fellow monks at that time in the kingdom, that the Mercians and Northumbrians, easily receiving the bad impressions those monks gave them of Edwy, revolted from him, and set up his brother Edgar, a boy of thirteen years of age, for their king. Edwy, after endeavouring in vain to subdue the rebels, found himself obliged to yield to his brother all the country from the Thames to the northern boundary of the English dominions; which, according to the Chronicle of Wallingford, did then comprehend the country called Lothian, extending to Edinburgh or the Maiden-castle. The death of Edwy happening two or three years after this division, his brother Edgar became monarch of all England. A. D. 957. Wallingford in Gale's Coll. vol. i. p. 543. A. D. 959.

The reigns of the three Scottish kings, Indulf, Duff, and Cullen, who ascended the throne in succession after * Malcolm I., were short and obscure. Indulf was distressed by descents of the Danes; as his predecessor Malcolm had also been, in revenge of the league which this latter had entered into with the English king Edmund; and which was faithfully observed by the successors of these monarchs, as long as the Saxon race of kings continued on the throne of England. Kenneth III. succeeding Cullen, reigned twenty-four years. He proved himself to be a prince of spirit and enterprize by his warlike exploits against the Danes, and by the new establishment he made with regard to the succession of his kingdom. According to ancient custom, when the children of any deceased king had not arrived to an age fit for reigning, some other prince of the royal blood ascended the throne, who was mature in years, and in other respects qualified for the trust. But Kenneth obtained the consent of the states of the kingdom to settle the succession on the nearest surviving descendant or blood-relation of the deceased king, of whatever age; a law which, through the ambition of those who had pretensions to the crown by the ancient rule of succession, gave occasion to civil wars and usurpations, and had not its full and uninterrupted effect, until more than a hundred years after it was first introduced. Ford. l. 4. c. 30. A. D. 970.

The English monarch Edgar was cotemporary with Kenneth, during the five last years of the reign of the former. In the beginning of Edgar's reign, Dunsan was promoted to the archbishopric of Canterbury; and had, through the whole of that reign, the entire direction of all affairs, both in church and state. Dunstan was guilty of grievous tyranny and oppression, in expelling from monasteries and churches the secular and married clergy, and introducing regulars in their room: but, at the same time, he seems to be justly celebrated for the wisdom and vigour he displayed, in maintaining peace and securing the nation effectually, during all Edgar's reign, against the descents of the Danes. It is probable, that his dread of offending the Northumbrians, whose fickle and rebellious dispositions had so often been experienced, hindered his introducing monks into the religious foundations of that people; where they were not known till after the Norman Conquest. The same con- Sim. Dun.

* Indulf reigned from 952 to 961; Duff his ſucceſſor to 965: and Cullen to 970. Malcolm and theſe three all died violent deaths. Indulf was killed by the Danes: Malcolm, Duff, and Cullen, fell by conſpiracies of their ſubjects.

 siderations

Chr. J. Wal. p. 544.

siderations determined Edgar to divide Northumberland into two earldoms; the hereditary government of the whole, which Edred had conferred on Osulf, appearing an elevation too high for a subject; especially among a people who so much affected liberty and an independent state, as the Northumbrians. This regulation for the government of Northumberland, was made in a council of the barons of that country held at York: and Osulf dying about that time, Oslach * was made earl of the country between the Humber and Tees; while the government of the country from the Tees to the Forth, together with the same title, was conferred on Eadulf sirnamed Ewelthild. The pacific spirit of Edgar's administration, is a circumstance that gives some credibility to what some English writers relate, of his giving up Edinburgh and Lothian to the king of Scotland. An ancient anonymous Chronicle says, that in the time of the Scottish king Indulf, the town of Eden was evacuated and left to the Scots. If this account be true, and if the surrender of Edinburgh was made by Edgar, it must have happened either during the two or three years that he reigned over the northern provinces, or soon after his accession to the whole of the English † monarchy. But the surrender of Lothian is related with a greater number of circumstances; and is placed by the authors who speak of it, in the last year of Edgar's reign. According to these accounts, the two Northumbrian earls, Oslach and Eadulf and Elfsi ‡, bishop of Chester, to which place the see of Lindisfarn was transferred, as is related above, having extolled to Kenneth king of Scotland the greatness and magnificence of Edgar, excited in the mind of the former, a strong desire of seeing and conversing with his neighbour monarch: Edgar apprized of this desire, immediately expressed his willingness to gratify it; and appointed the two earls and the bishop to attend Kenneth to the English court. The hospitable reception he found there, encouraged him to explain to Edgar, the claim he had to the county of Lothian; which he alleged was the hereditary possession of the kings of Scotland. Edgar, desirous to treat with due attention a matter of so much importance, laid the affair before his council or supreme court. These considering the exposed situation of this province, the difficulty of access to defend it, and the small revenue arising from it, gave their consent to its being yielded to Kenneth, upon the conditions of his paying homage for it to Edgar, and that the inhabitants should retain their English name, language and customs. The surrender was accordingly made, and this country, which comprehended not only the present Lothian, but also the country betwixt it and the Tweed, continued from that time, without interrup-

Cam. Gibf. vol. ii. p. 188. Innes. Crit. Eſſay, p. 787.

Chr. Walling. apud Gale, vol. i. p. 545. Mat. Weſt. p. 192, 193.

* This earl in the year in which king Edgar died (975) was driven out of England. The Saxon Chronicle in tragic phraſes deplores his fate, calls him the long-haired hero, wiſe and prudent in ſpeech; and again, that famous earl; but does not relate the cauſe of his baniſhment.

This Chronicle was ſeen by Camden in Lord Burleigh's library, and is publiſhed by Father Inneſs in the Appendix to his Critical Eſſay.

† For this acceſſion of Edgar was in 959, and Indulf died in 961. Accordingly, Camden ſays, that it happened about 960.

‡ Elfsi, called by Turgot, Elffig, was biſhop of Cheſter from 968 to 990. He was noble by birth, but much nobler by his virtues; the memory of which remained freſh for ſeveral ſucceeding generations. Turg. l. 2. c. 20.

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tion, in the possession of the Scottish kings. If the account of this transaction be just *, either the history of Kenneth Macalpin's extending his kingdom as far as the Tweed must be false; or some of the Saxon kings who reigned after that Scottish conqueror, must have again brought under their dominion the country between the Tweed and Forth. But how, or by whom, this was effected, the obscure and imperfect history of those times leaves us in the dark.

Edgar, the hero of the monks, dying in the flower of his age, was succeeded by his son Edward, sirnamed the martyr; who, in less than three years, fell a victim to the ambition of his step-mother Elfrida. Her son Ethelred, a boy of ten years of age, was the next heir to the English throne; and ascended it, after his brother's death. The long reign of Ethelred, after an almost uninterrupted calm of twelve years, in the beginning became a continued scene of all the most direful calamities that could arise from intestine disorders, joined to the reiterated invasions of fierce and cruel enemies. The king was weak, timid, and unsteady; the pride and power of his nobles too great for him to control; his natural subjects enervated by a long peace; and the sword in the hands of Danish mercenaries, who betrayed their masters, whom they hated, to their countrymen, who with mighty fleets and armies made from time to time, descents on the coasts of England. A. D. 975. 978

The first great invasion of the Danes in this reign was in 991; and then also was the unhappy measure taken of paying them a † *great* sum, as the price of their retiring; which, instead of producing future security, gave encouragement to new invaders; who continually raised the price of the small respites from ravage and desolation, that were thus meanly purchased. Their first exploit, in a new descent on the northern parts of England, was the total destruction of Bamburgh, where a rich booty was taken. In the sequel of this expedition, the fatal effect appeared of the invaders having friends, and countrymen, or their descendants, settled in these provinces. For having entered the Humber, and committed dreadful ravages on both sides of it, a great body of the inhabitants of those parts assembled for the defence of their country; but when ready to engage their enemies, their commanders being of Danish extraction ‡, were the first to turn their backs, and so left their followers a helpless prey to the fierce invaders. A. D. 993. Chr. Sax, Fl. Vig.

Two years after this invasion, the dread of a new one, together with a pretended revelation made to bishop Aldun §, determined the monks, who attended A. D. 995.

* The account in the text is that which is given by Wallingford. Matthew Weſtminſter, a much later writer, relates the ſame event with leſs probable circumſtances. But of this ſurrender of Lothian there is no mention in the Saxon Chronicle, or in the more ancient Engliſh hiſtorians; nor is it at all mentioned by Fordun or Boethius the hiſtorians of Scotland.

† Raiſed by the tax called *Danegelt*.

‡ Frana, Frithogiſt, and Goodwin, *quia ex paterno genere Danici fuerunt, ſuis inſidiantes, auctores fugæ primitus extiterunt*. Fl. Vig.

§ Eardulf, in whoſe time (ſee above, p. 137 and 143.) Cuthbert's body was tranſlated to Cheſter, lived in that ſee nineteen years after, and died in the 46th year of his incumbency. The ſucceſſor of Eardulf was Tilred, who held his ſee thirteen years and four months; then Wigred was biſhop ſeventeen years; and was ſucceeded by Uchtred who held the ſee three years; Sexhelm

tended the body of St. Cuthbert, to travel once more with their sacred depo-
Sim. Dun. H. D. E. p. 27, 28. sit. They carried it to Rippon in Yorkshire; but the apprehension of danger being dissipated, in a few months they were returning back to their former residence, and were only a few miles distant from it, when miraculous notice was given them, of the saint's desire to fix his habitation in the place where the city of Durham now stands, and which has ever since continued to be the seat of this ancient bishopric. The inhabitants of the whole country between the Coquet and the Tees devoutly assisted in clearing the ground, which was a wild forest; and in erecting a church, which, in the third year after its foundation, was dedicated by Aldun.

A. D. 988. Sept. 4.

The successor of Osulph or of Eadulph in the earldom of Northumberland was Waltheof, sirnamed * the Elder. In the advanced years of this earl, and
Sim. de Obsessione Dunelmi, &c. p. 79. while Aldun was bishop of Durham, an invasion is said to have been made by Malcolm † king of Scotland, into the province of the Northumbrians. While this prince, after having committed great ravages in the country, laid siege to Durham, Waltheof, debilitated by age, shut himself up in the castle of Bamburgh. But Uchtred, Waltheof's son, a youth of great courage, who had married Egfrida, the daughter of bishop Aldun, having assembled and armed a numerous body of Northumbrians and Yorkshire men, attacked and almost totally destroyed the Scottish army; their king, with a few of his attendants, escaping with difficulty from the field of battle. In reward of this gallant and important service, king Ethelred conferred on Uchtred the earldom of his father, while the latter was yet alive, adding to it the earldom of the southern part of the province, according to its ancient division. The good
A. D 1018. Sim H Dun. Ecc. p. 80: Chr. Mail. p. 155. fortune of Aldun, in being thus delivered from his northern foes, met with a sad reverse before the end of his life; for in a battle fought at Carum, against an immense number of Scots, almost the whole fighting men between the Tees and Tweed, with their chiefs, were cut off ‡. This destruction of

succeeded, but St. Cuthbert provoked at his oppressive and avaricious practices, terrified him in dreams with such menaces, that he soon abandoned his charge. Aldred was his successor, but it is not related how long either of these remained in the see. Elfsig succeeded and was bishop twenty-two years; in whose room Aldun was elected and consecrated bishop, in the year 990. Turg. H. D. E. l. 2. c. 15,—20.

* The authors who do not mention Eadulph, make Waltheof the successor of earl Osulph, Hoved. Chr. Mailr.

† Malcolm the son of Kenneth III. after the two usurpers Constantine and Grim, who were the next successors of his father, began to reign in 1004, and reigned till 1034. Hence he was cotemporary with Aldun, who continued bishop of Durham twenty-four years after the episcopal seat was fixed there in 995. The date of this transaction as it stands in Simeon's account of the siege of Durham, is equally inconsistent with the Chronology of the bishops of Durham, as with that of the Scottish kings; and therefore must have been the blunder of some transcriber, or perhaps the whole story is a fiction.

‡ This battle in Simeon's Hist. de Gest. R. A. is said to have been fought between Uchtred the son of Walde of the earl of the Northumbrians, and Malcolm the son of Kenneth king of the Scots, with whom was in the battle Eugenius Calvus, rex Lutinensium. Sim. p. 177. *ad ann.* 1018. But this seems inconsistent with what is related, under both the preceding years, of Canute's giving the earldom of Northumberland to Eyric or Hire after Uchtred's death, which is placed by that author in A. D. 1016. Goodall, in his preface to Fordun, says, that this battle happened in the time of Eadulf sirnamed Cudel, the brother of Uchtred, and either the immediate successor of Uchtred or of Eyric. But this seems to be said without a sufficient warrant, as neither the duration of Eyric's, nor of Eadulf's earldom, is recorded.

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the people of St. Cuthbert, is said to have wounded the good bishop to the heart. He deplored to his patron his hard fate; and entreated with the utmost earnestness, that he himself might not survive the loss of his flock. It is probable, that the excess of his own grief accomplished what he asked of the saint; for in a few days he fell sick and died.

Uchtred, having turned away the daughter of bishop Aldun, and having also been married a second time *, became, by a third marriage, son-in-law to king Ethelred; who, onaccount of Uchtred's great military achievements, gave him to wife his daughter Elfgiva. In that invasion of Swein the Danish king, which issued in the conquest of all England, and the flight of king Ethelred to Normandy; Uchtred and the Northumbrians were the first who submitted to the conqueror. But Swein dying not many weeks after, Ethelred, being invited home by the greatest part of the English nobles, returned from Normandy, and resumed the exercise of his royal power: at the same time, Canute, the son of Swein, exerted all his might to maintain the acquisitions of his father. His own power and courage were greatly aided in this work by the perfidy of Edric Streon the infamous duke of Mercia, who, after having often betrayed his sovereign, did at last openly desert to his adversary and rival for the crown. This desertion obliged Edmund, sirnamed Ironside, the valiant son of king Ethelred, to retire to his brother-in-law Uchtred; who had resisted the entreaties of tempting offers, by which Canute sought to win him to his side. Uchtred, in conjunction with Edmund, made successful incursions into some of the counties that had submitted to Canute: but the Danish hero, directing his arms against them, forced Uchtred to submit; while Edmund retiring the best way he could, joined his father at London. Uchtred being required to attend Canute in person, to pay homage to him, as his lord, and having for this purpose received proper assurances of safety, was, notwithstanding these, in his way to the king's presence assaulted from an ambush laid for him by Turebrand †, and slain, together with forty of his attendants. This murder was believed to have been penetrated by the order or permission of Canute; who in the room of Uchtred, made Eyric earl of Northumberland. Afterwards Canute carried his conquering arms southwards, and Ethelred dying at London in April, and Edmund, his valiant son, in the November following, Canute obtained the undisturbed possession of the whole kingdom of England, and reigned over it with great glory nineteen years.

A. D. 1013. Chron. Sax. Fl. Vig. Sim. Dun. Col. 79, 204. 172.

A. D. 1016.

Hoved. p. 434. Chron. Sax.

The earldom of Northumberland seems to have continued but a short time in the possession of Eyric. Malmesbury says, that he, and Turkhill, whom Canute had, in the beginning of his reign, made earl of the East Angles, were, on certain allegations or pretexts improved against them, driven out of

Malmef. l. 2. c. 11.

* His fecond wife's name was Sigin, the daughter of a rich citizen, Styr the fon of Ulf, who gave him his daughter as a reward for putting to death Turebrand his great enemy.

† This Turebrand was firnamed Hold. Florence calls him a noble Dane, Hoveden a very rich Dane, (p. 424). The Saxon Chronicle, Simeon and Hoveden, mention Thureytil, the fon of Nafana, as being flain along with Uchtred.

England,

England, and obliged to return to their native country. In some accounts of the succession of the Northumbrian earls, Eyric is omitted; and Ochtred is said to have been succeeded by his brother Eadulf-Cudel, whose character was the reverse of that of Uchtred: being of a sluggish and fearful nature, and dreading the revenge of the Scots against himself, for what they had suffered from his brother, he surrendered to them the whole of Lothian, as a compensation for their losses, and the price of their friendship. And this is a second account, given by some English writers, of the way in which Lothian came into the possession of the Scots.

Sim. de Obſef. Dun. Col. 81.

The successor of Eadulf-Cudel in the Northumbrian earldom, was Aldred the son of earl Uchtred; of whom there is nothing memorable related, but his avenging the murder of his father, by putting to death Turebrand the murderer; and his afterwards falling a sacrifice himself to the treachery and resentment of Curl, Turebrand's son. Such were the manners of those times! Aldred was succeeded by his brother Eadulf, who, having committed depredations upon the Welch, by which he provoked the displeasure of king Hardicanute *, as he was on his way towards that monarch, to make his submission and obtain a reconciliation, was slain by Siward, who succeeded him in the earldom. Siward was a man of gigantic stature, and a mighty champion in war. He is related to have been a Danish adventurer; and his original being foreign and unknown, some of the monks have devised circumstances of his birth and first exploits, that are most absurdly fabulous. One of these annalists † represent his promotion to the earldom as made by Edward the Confessor, who was advised by his great men, that for the better protection of his kingdom against the northern invaders, *the little devil should be first exposed to the great devil;* meaning that Siward should have the charge of that part of England which was most likely first to be invaded by the Danes. This charge he accordingly received, took to wife Alfleda, earl

Sim. Dun. Col. 204.

Brompton, Col. 945-50.

* Canute dying in 1035 (12th Nov.) was ſucceeded by his ſon Harold (Harefoot) who, dying in 1040, was ſucceded by his brother Hardicanute; who, reigning only two years, was ſucceeded in 1042, by Edward the Confeſſor.

† The ſame author relates, that Siward, ſoon after his arrival at Edward's court, being affronted by Toſti earl of Huntingdon, cut off Toſti's head, and was advanced by the king to the earldom he had thus made vacant; which was the firſt promotion conferred on him by Edward. But Brompton's account of Siward, though containing more particulars than any other, ſeems, by reaſon of the fables and evident errors interwoven with it, to be the leaſt deſerving of credit. Beſides the account of Simeon of Durham in the text, which ſeems to aſcribe Siward's advancement to the Northumbrian earldom to king Hardicanute; Turgot in his Hiſt. Dun. Ecc. Col. 34. ſays, that in 1042, the year in which Edward the Confeſſor began to reign, Egelric was advanced to the ſee of Durham; and Siward after having killed earl Eadulf, had at that time the adminiſtration of the earldom of the whole province of Northumberland from the Humber to the Tweed. Florence of Worceſter, copied by Simeon, mentions Siward as earl of Northumberland in 1041, and as ſent by Hardicanute with his other earls, to puniſh the people of Worceſter for killing two of his tax-gatherers. But none of theſe accounts agree well with the affinity of Duncan king of Scotland with earl Siward, which according to the Scottiſh hiſtorians, was contracted while Duncan was yet prince of Cumberland. Fordun, l. 4. c. 49. ſays expreſsly, that Duncan begat in the days of his grandfather Malcolm II. two ſons, Malcolm Caumore and Donald Bane; and farther that as ſoon as he was crowned king of Scotland, he gave the province of Cumberland to Malcolm.

Aldred's

Aldred's daughter; and sustained his dignity, with great valour and success, during the first half of Edward's reign.

Malcolm, the son of Kenneth, who, as well as his father, is one of the great names in the ancient line of Scottish kings, did not attain to the possession of the crown, agreeably to the new law of succession established by his father, until after the death of Constantine and Grim; who successively seized the crown, and both fell defending their possession of it in battle. Malcolm is celebrated for his victories over the Danes, and is also said in a difficult battle near Burgh to have given a defeat to Uchtred the Northumbrian earl, who had committed some depredations in Cumberland. He had, according to the custom of several of his predecessors, put his grandson Duncan the apparent heir of his throne into possession of that province. Duncan could not have access to the court of Ethelred to obtain from that unhappy monarch the confirmation of his principality; by reason of the prevailing power of the Danes in the interjacent English provinces: and when Canute had become king of all England, Malcolm regarding him as an usurper, would not allow his grandson to pay him that homage for Cumberland, which he esteemed only due to the Saxon race of Monarchs. This conduct of Malcolm provoked Canute, after his return from his pilgrimage to Rome, to lead a great army into Cumberland *, with which a mighty host of Scots, headed by their king, was ready to engage; but by the interposition of bishops and other good men, the effusion of blood was prevented; and it was agreed, that the heir to the crown of Scotland, should hold the principality of Cumberland from Canute, on the same condition of fealty as it had been held from the Saxon kings.

Ford. l. 4. c. 45.

A. D. 1031. Ford. l. 4. c. 46.

Malcolm was brought to an untimely end by the treachery of certain relations of his predecessors Constantine and Grim. His grandson Duncan, however, succeeded him in the throne, but after a short reign of six years was cut off by Macbeth; who possessed himself of the kingdom, and held it seventeen years. Duncan, while residing in his principality, had contracted affinity with the Northumbrian earl Siward, by taking to wife the daughter †, or some near relation of that potent chieftain. This alliance opened an asylum to Malcolm Canmore, the eldest son of Duncan, whom, together with his brother Donald Bane, the usurper sought to destroy. After continuing two years in Scotland, and finding their friends there unable any longer to protect

A. D. 1034.

A. D. 1040.

Ford. l. 4. c. 51.

* The Saxon Chronicle says, that in this expedition Malcolm was subdued by Canute, and also other two kings, Mælbeath and Jehmarch. Malmsbury and others follow this account; but the subjection of Malcolm is not mentioned either by Florence of Worcester, or Simeon of Durham. The account of the text is that given by Fordun. Matt. Westm. says, *contra Scotos rebellantes hostilem expeditionem duxit, et Malcolmum regem, cum duobus aliis regibus, levi negotio, superavit.* p. 209

† Fordun calls her the cousin of Siward. Boethius and Buchanan say, she was his daughter The English Historians do not speak of this affinity.

• The time of Siward's being advanced to the earldom of Northumberland, according to any of the accounts given by the English writers, is hard to be reconciled with the history of this marriage in the Scottish writers. Perhaps Duncan married some near relation of Siward's wife, Elfleda, descended of the former race of Northumbrian earls.

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them, Malcolm had recourse to earl Siward, while his brother Donald fled to the western isles. Siward received the young prince with great humanity, and carried him to the court of Edward; who being a prince of much goodness, and having by his flight to Normandy from the iniquity of the Danish usurpers, himself experienced the distresses of exile, gave an hospitable reception to the royal refugee, and entertained him at his court several years. Macbeth from good beginnings having degenerated into a cruel and rapacious tyrant, Malcolm was solicited by many of his subjects to return to his native country, and assert his just claim to his father's throne. At last Macduff, the powerful thane of Fife, abandoning Macbeth's, and espousing Malcolm's interests, the latter was encouraged to attempt the recovery of his inheritance. The countenance and aid of the English king was readily obtained: Siward, with the permission of king Edward, accompanied the prince into Scotland, where great numbers immediately joined him; and Macbeth being abandoned by his army, and obliged to seek his safety in flight, was soon overtaken and slain (*a*.) This expedition of Siward with his cousin or grandson Malcolm into Scotland *, is by the English writers placed two or three years sooner than the year in which, according to the Scottish historians, Malcolm ascended the throne. Siward died the year following at York, maintaining to the last his martial spirit, and clad in his last agonies, at his own desire, in all the habiliments of war.

Ford. l. 5. c. 7.

(*a*) At Lunfanan beyond the mountains, according to Fordun. A. D. 1055. Brompton, Col. 946.

Siward's son being too young to administer the earldom, it was conferred on Tosti, one of the sons of the mighty earl Goodwin†; who had died two years before, and was succeeded in his extensive possessions and great power by his eldest son Harold. Tosti displayed a bold and intrepid spirit in supporting, against the oppression of the Roman pontiff, Aldred archbishop of York, whom he accompanied to Rome to receive the pall. While he was absent on this journey, he is said to have been ill used by Malcolm Canmore

1053.

1061. Brompton, ad An. Sim. Dun. G. R. A. Chron. Mailr.

* No mention is made of this expedition by the Saxon Chronicle. Florence says, that Siward, by the king's command, invaded Scotland with a mighty fleet and an army of horsemen, and fought a battle with Macbeth, wherein many thousand Scots, and all the Normans who had lately taken refuge in Scotland, being slain, and Macbeth totally routed, Siward, as Edward had commanded, made Malcolm king. In this battle, however, Siward's son, and many of the Danes and English fell. The same account is given by William of Malmsbury, Simeon of Durham, Hoveden, and others; only they call Malcolm the son of the king of the Cumbrians. These authors, and the Chronicle of Mailros, place Siward's expedition into Scotland in 1054, and his death in 1055. The Normans mentioned above, were Osbern, firnamed Pentecost, and Hugo, who were obliged to fly into Scotland two years before, upon the reconciliation between Edward and earl Goodwin; which earl had rebelled against the king, on account of the favour given by the latter to the Normans. Brompton speaks of a son of Siward, called Osbern Bulax, who fell fighting bravely in Scotland, or according to others, in Northumberland, where he was opposing an insurrection that happened in that province, while his father was engaged in his Scottish expedition. But Brompton's history of Siward is, in several particulars, fabulous and erroneous. Fordun places Malcolm's accession to the throne of Scotland, in 1057, on St. Mark's day April 25th. According to the same author, Macbeth was slain on the 5th of December in the preceding year. An effort was made by some of Malcolm's friends to raise to the throne Lulach, who was a near relation to the tyrant, but he was killed by Malcolm or his friends on April 3d.

Col. 946.

† In Malmsbury's list of Goodwin's sons he is the fourth; but Huntingdon and Knighton speak of him as being the eldest.

king

king of Scotland; who, although Tosti's sworn ally*, made a wasting inroad into his province, and violated the peace of St. Cuthbert in Holy Island. Tosti also shewed his courage in an expedition into Wales, in company with his brother Harold. But this courage was vitiated by an unbounded pride and barbarous ferocity; which brought upon him both the displeasure of the king, and the just resentment of the inhabitants of the province, over which he presided. His jealousy and wrath against his brother Harold was so extreme and furious, that he attacked him with blows, and seized him by the hair in the presence of the king at Windsor. The same rage prompted him immediately after to massacre his brother's domestics at Hereford, where they were preparing a feast for the king; and to put the limbs of their mangled bodies, into the vessels of the liquors that were to be drunk at this entertainment; after which he sent a message to the king to inform him, that he would find the meat well cured at the feast he was going to. The king, it is said, gave orders that he should be immediately expelled the kingdom; but it seems that these orders would have scarce had their effect, if the Northumbrians, provoked by certain cruel murders, that had been committed on some persons of eminence in their country by the contrivance and orders of Tosti, and by a most oppressive tax he had imposed upon them, had not declared an invincible resolution to submit no longer to his government. Some who had military commands in the province, accompanied by two hundred soldiers, cut off, in the neighbourhood of York, the like number of Tosti's dependents and two Danes his domestics, and seized all his arms and treasures. This served as a signal for a general insurrection of the provinces; who met at Northampton, and afterwards at Oxford, earl Harold, whom the king had sent to quiet the commotion, and if possible, to reconcile them to Tosti. But they persevering in their purpose, and being supported by Edwin earl of Mercia, the next in power to Harold, obliged Tosti and his accomplices to abandon the kingdom, a little after the feast of All Saints. The exiled earl found a retreat in the dominions of Baldwin earl of Flanders, whose daughter Judith he had married: and Morcar brother to Edwin, was, at the request of the provincials, promoted by the king to the vacant earldom.

Huntingt. p. 367.

Chron. Sax. Flor. Vig. Sim. Dun. H. R. A. col. 192, 193. Alur. Bev. l. 8. (Carte.)

The expulsion of Tosti was soon followed by events that first aggrandized to the highest state, and then on a sudden wholly ruined the family to which he belonged. Edward the Confessor dying in the beginning of the following year without issue, and without heirs that were capable of asserting their right; Harold availed himself of his vast power, wealth, and influence, and seized the vacant throne. He had in particular attached to him Morcar and his brother Edwin, persons in the kingdom next in power to himself, by marrying their sister Elgitha. His short reign was first disturbed by his jealous and resentful brother Tosti, who by the assistance of his father-in-law, and William Duke of Normandy, the husband of his wife's sister, having collected a fleet of sixty ships, did begin with harrassing the Isle of Wight and the coasts

A. D. 1066. Jan. 5th.

Chron. Sax. Flor. Vig. Sim. Dun. ad An.

* Tosti, together with Kinsi, archbishop of York, and Egelwin bishop of Durham, had conducted Malcolm to the presence of Edward two years before. Sim. ad Ann.

of some of the south eastern counties, from whence proceeding northwards, he made a descent in Lincolnshire, but was driven back to his ships by the earls Edwin and Morcar. After this repulse he sought refuge in Scotland; where he remained till he was informed that Harold Hartager, king of Norway, had entered the Tyne with a great fleet. Having joined him as soon as possible, they sailed together up the Humber; and with combined forces put to the rout an army which Edwin and Morcar led too hastily against them. But Harold five days after encountered the victorious invaders, with a great army
Sept. 25. at Stamford bridge: in this battle which was fought with great fury, both the Norwegian king and Tosti were slain, together with the greatest part of their followers: but in less than three weeks, this prosperity of Harold had a fatal reverse; for having lost many of his best troops in the battle just mentioned, and offended the rest by seizing to himself the spoils of their vanquished foes, he hastened with much inferior strength to encounter William Duke of Normandy, who had landed on the coast of Sussex; and in a great and decisive
Oct. 14. battle fought near Hastings, was defeated and slain. After this victory every thing yielding to William, he was crowned king of England before the expiration of the year; and became the founder of that race of princes which hath ever since possessed the English and British throne.

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND.

## BOOK II.

IN the battle of Hastings, the greater part of the English forces fell with Harold; but Morcar and Edwin either were not on the field, or by declining to fight saved themselves and their followers. As soon as they heard of Harold's death they repaired to London; where the citizens were all inclined to support the claim of Edgar Atheling, the grandson of Edmund Ironside, and rightful heir of the Saxon line of monarchs: but the two ambitious earls, unwilling to put on the head of a boy a crown which they hoped would be offered to one of themselves, retired in discontent from London with their forces: and the friends of Edgar, reduced to the necessity of submitting to the prevailing power of the victor, gave their concurrence in advancing him to the throne. Nor had he been long crowned before Marcar, with his brother, and the other nobles who had not been present at his coronation, repaired to him, to make their submission and swear fealty. As he claimed the crown as his just right by virtue of the destination of the late king, he regarded all who bore arms against him in the field as traitors; and therefore, whether they fell in the action or survived it, he forfeited their lands, and distributed them amongst his followers. The Northumbrian earl, by declining to fight, escaped forfeiture, and was confirmed in his possessions. But in the spring of the following year, he with the other chief English nobles was carried over to Normandy, in a visit which William made to that country; their presence at home during the absence of the king being judged unsafe, after so recent and violent a revolution.

Wil. Conqueror K. of England. Mal. Canemore K. of Scotland.

Flor. Vig. 1066.

Order. Vit. l. 3. p. 503.

1067.

The absence of these powerful chieftains did not hinder some troublesome insurrections; which William returned to quash in the end of the year. But his rapid success in subduing several of these insurrections, did not discourage Morcar with his brother Edwin, from taking arms in the north. These potent and popular chieftains were offended at the king's requiring their attendance on him to Normandy; and Edwin, in particular, is said to have resented his being deceived in the hopes given him of marrying the king's daughter. The two brothers applied for aid both to the Scots and Danes; but these aids not arriving in time, and the king every where prevailing against the friends of the earls in the different parts of the kingdom, they found it necessary, upon William's advancing northwards, to make their submission; and upon their doing so were pardoned. Egelwin bishop of Durham had the same success in imploring the victor's clemency to himself and his city. This prelate afterwards acted as a mediator between William and Malcolm king of Scot-

Order Vit. p. 511, 512.

1068.

Wil. Conqueror K. of England.

land, who was advancing with an army to the aid of his English allies, but could not be with them in time. Malcolm, it is said, readily accepted the overtures of peace; and sent ambassadors to William, to take the oath of fealty he owed to the crown of England. During these confusions, Gospatrick and Merleswain, with many other nobles of the highest rank in the north of England, dreading the king's severity, and consulting their own liberty and safety, as well as that of the remains of the late Saxon race of their princes, fled for refuge into Scotland; passing thither by sea, and carrying along with them Edgar Atheling, with his mother Agatha, and sisters Margaret and Christina. Malcolm gave them a hospitable reception; and either at this time, or not long after, took to wife Margaret, the eldest of Edgar's sisters.

Flor. Vig.

This near alliance of Malcolm with Edgar, the just heir to the English crown, joined to the mighty obligations the former was under to Edward the Confessor; the habitudes he had probably contracted, during his long residence in England, and perhaps his relation to Waltheof, the son of Siward, engaged him to open his kingdom as an asylum to the distressed English, who fled to it in great numbers; and also led him often to take up arms against their Norman oppressors.

A. D. 69

Sim. Dun. H. D. E. l. 3. c. 15. Jan. 28.

The king, in order to bring the Northumbrians to a more perfect obedience than they had hitherto yielded, sent Robert de Cumin, with seven hundred men, to be their earl or governor *: but they, resolving rather to die than submit to the dominion of a foreigner, broke into Durham in the dawn of the morning, after Cummin's arrival in that place, and made a general massacre of himself and his followers: one only of the whole number escaping. This destruction being followed by a rebellion at York, William marched in person to the scene of these commotions, and soon quelled them.

Carte, p. 404.

During this expedition of William † into his northern provinces, or soon after it, Cospatrick seems to have obtained from him the earldom of Northumberland; having purchased the king's confirmation of his title to it by a great sum of money. Cospatrick claimed this dignity, as being descended from a former race of earls; for his mother Algitha was the daughter of Earl Uchtred by his wife Elfgiva, king Ethelred's daughter: Algitha's husband, and the father of Cospatrick, was Maldred ‡, the son of Crinan, it is related by Simeon of Durham, that Morcar, after his advancement to the earldom of Northumberland, being occupied in other great affairs, gave the earldom of the

De G R. A. c. 204.

* Carte, quoting Ordericus Vitalis, p. 512. and Alured of Beverly, calls Cumin earl or governor of the county of Durham: but Simeon says, he was sent to govern the Northumbrians on the north side of the Tyne. The Saxon chronicle says generally, that the king gave him an earldom in the land of the Northumbrians; and adds, that he had an army of nine thousand men, who were cut off together with himself. Turgot (in Hist. Dun. Ecc. l. 3. c. 15.) relates, that William, after having long suffered the Northumbrians to continue in a state of rebellion, did, in the third year of his reign, set over them Cummin as their earl.

Sim. Dun. 198.

† Carte is quoted in the margin, as the authority for this expedition into the North, not noticed by several of the annalists. He does not distinctly quote his author, but it seems to be Ordericus Vitalis, p. 512. or Alured Beverel. or both.

‡ Maldred was also the Progenitor of the noble family of the Nevilles. Dugdale's Peerage, vol. i. p. 287.

country

country beyond the Tyne to Osulph, a youth, the son of Eadulf, who was earl Uchtred's brother and successor. According to the same author, the king, having deprived Osulph of his earldom, conferred it on Copsi, the uncle of earl Tosti, a man of wisdom and experience in affairs, and who had formerly had the charge of the province while Tosti was earl. Osulph being expelled his earldom by Copsi, and obliged to take shelter in the woods and mountains, collected around him a band of men in the like desperate circumstances. With these desperadoes he beset an house where Copsi was feasting, and pursuing him to a church, to which he had fled as a sanctuary, and which his pursuers immediately set on fire, he was slain by Osulph in the entrance of it. This happened on the 11th of March, in the fifth week after Copsi was made earl. In the following autumn Osulph received a mortal wound, by the lance of a robber, whom he had rashly attacked. And after the death of Osulph, according to the annalist who relates the circumstances just mentioned, and most probably also after the death of Robert Cumin *, the king sold the earldom to Cospatrick.

Mal. Canemore K. of Scotland.

In the autumn of the same year, an army of Danes, joined by forces from Scotland, with whom came Edgar Atheling, and those who had accompanied his flight, made a descent near York, and took that city and its castle, having destroyed the Normans who defended them. Many of the greatest lords of the North, and in particular earl Cospatrick †, with the whole power of the Northumbrians, having joined these invaders, the presence of William became again necessary to oppose so formidable a combination. By bribing the Danes to retire, and cutting off provisions from those who held out York, he obliged the latter to submit. But, in defending the place, Waltheof, the son of Siward, distinguished himself by such extraordinary feats of courage, that William resolved to make him his friend by the force of clemency and generosity. Besides pardoning him, and confirming him in his former possessions of the earldoms of Northampton and Huntingdon, he made him new grants; and gave him his niece Judith to wife. Incensed, however, to the highest degree by the repeated insurrections of the fierce people of the North, he laid their country waste by fire and sword ‡, all the way from York to Durham,

Sim. Dun. C. 198.

* This is the order adopted by Dugdale, vol. i. p. 54. Simeon, in his account of the succession of of the Northumbrian earls, wherein he is copied by Hoveden and others, says, that on the death of Osulph, Cospatrick purchased the Northumbrian earldom; yet most inconsistently asserts, that Copsi, who was slain by Osulph, was not promoted to his earldom, until Morcar was taken and imprisoned, which was in 1071. The truth is, the accounts given by the annalists of these transactions are neither consistent nor distinct.

† So Simeon expressly calls him; which is a proof that he had obtained this dignity before William's expedition northwards in the end of the year.

‡ The dread of approaching danger and desolation, which the innocent were exposed to suffer along with the guilty, determined Egelwin, bishop of Durham, and the great men of his diocese, to seek by flight their own safety, and that of their *sacred depositi*, the uncorrupted body of St. Cuthbert. This they hoped to find in the place from which the like dread of foreign invaders had occasioned the removal of that body 194 years before. In the depth of winter they took their way towards Holy Island, where they arrived on the evening of the fourth day after their leaving Durham. The tide was then full, but on the approach of the saint, if we believe his monks, it was so com-

Turgot, H. D. E. l. 3. c. 15. Sim. Dun. G. R. A. c. 199. Dec. 11th.

Wil. Conqueror K. of England.

ham, especially near the sea; that future invaders from Denmark might not, in their descents on that coast, be able to find subsistence. In this northern expedition. William penetrated as far as Durham and Hexham, and built a castle in the former of these places *.

Ord. Vit. p. 515. A. D. 1070.

Soon after the Conqueror left the Northumbrian territories, Malcolm, king of Scotland, entered them by the way of Cumberland, which was then subject to him; and made great devastations along the course of the Tees, and afterwards in Cleveland. While Malcolm was thus employed, Cospatrick made an inroad into Cumberland; and, after ravaging that country, returned with great spoils, and shut himself up in Bamburgh. From thence making frequent sallies, he annoyed and weakened the forces of Malcolm; who, greatly provoked by what he suffered, and probably the more that Cospatrick from a friend had become his enemy, committed the most horrid cruelties upon the Northumbrians, and carried such multitudes of them captives into his own country, that, for a long time after, scarce a little house in Scotland was to be found without English slaves of the one or other sex. Simeon of Durham relates, that while Malcolm was on this expedition, he found on board ships at the mouth of the Were, Edgar Atheling, his mother and sisters, accompanied by Siward, Barn, Marlswein, Elfwin the son of Norman, and several other Englishmen of great rank and wealth; who having joined at York the Danes, who were now going to their own country, and dreading the resentment of William, were on their way to Scotland to seek refuge there. Malcolm being acquainted with their purpose, addressed them with great kindness, and assured them of a welcome and safe residence in his dominions, as long as they pleased. They accordingly proceeded in their voyage; and Malcolm,

Sim. Dun. c. 200. Hoved.

Ford. l. 5. c. 18.

Sim. ibid.

complaisant as to open a passage for the procession; the waves close following the footsteps of the company; but proceeding no farther, whether they moved fast or slow. In this retreat, the bishop and his followers having attended their charge more than three months, and being then informed, that the king had moved into the southern parts, carried back the body of the saint, and after cleansing his church from every defilement, restored it to its accustomed place. A crucifix richly adorned with vestments, presented by earl Tosti and his lady, was the only moveable of value that had been left in the cathedral of Durham; as being difficult to carry, and also from the expectation that a thing so sacred would excite a greater reverence to the church. But on the return of the bishop and his train, it was found thrown down on the floor, and stripped of all the gold, silver, and gems that formerly adorned it. In a legendary tale, which Simeon of Durham, or Turgot, relates on this occasion, earl Cospatrick is charged with having advised the flight of the bishop and his clergy, and with having made his advantage of it, by carrying off the precious ornaments of their church. An ancient priest of Durham, one of the company who fled to Holy Island, told Turgot a dream, in which he said, he saw a great Northumbrian baron, who had maltreated bishop Egelwin and his company in their flight, suffering the torments of Hell; and also, in the same dream, had heard St. Cuthbert denouncing woes against Cospatrick for the sacrilege he had committed on his church. The inspiration of this dream is said to have been confirmed by the sudden death, at the very time, of the person whose soul was seen in Hell: and when Turgot related this story to Cospatrick, after the retreat of that earl to Scotland, he was seized with horror, and immediately set out on a pilgrimage, on his naked feet, to the Holy Island; seeking forgiveness from the Saint by prayers and gifts. Turgot adds, that after Cospatrick had been guilty of the impiety above related, he was never in the same honourable state as before; but was expelled from his earldom, and, during the remainder of his life, underwent many adversities and sufferings.

6th April.

* According to Simeon of Durham, William did not build this castle until his return from his expedition into Scotland in 1072. Sim. Dun. c. 205.

colm, on his return, finding them arrived, made good all his engagements; and, with the consent of her relations, took to wife Margaret, the sister of Edgar, who, by her piety and sweetness of disposition, is said to have softened the ferocity, and humanized the temper and manners of her husband. Mal. Canemore K. of Scotland.

The following year was fatal to the two brothers, Morcar and Edwin; who, continuing the objects of William's jealousy, and apprehending that he was about to deprive them of their liberty, fled from his court, seeking shelter in such retreats as seemed most secure. But it was not easy to escape so mighty and vigilant an adversary. Morcar joined a body of desperate men, who, headed by Hereward his uncle, undertook to defend themselves in the Isle of Ely. After a long and brave resistance, Hereward, with a few companions, forced his way through the surrounding marshes and foes. But Morcar, with many others, were obliged to yield themselves to William, who kept Morcar in prison all the rest of his reign. Edwin, flying towards Scotland to put himself under the protection of king Malcolm, was betrayed by some of his followers into the hands of certain Norman soldiers, and slain. In the following year William found himself at leisure to undertake an expedition against the Scottish king, in which he employed great force, both by land and sea. Malcolm met him with a great army, at a place near his frontiers, which most of the English annalists called Abernithi *. William finding nothing in the country that could allure a Conqueror; and Malcolm consenting to perform the accustomed homage, and to give hostages, a peace was concluded, in consequence of which, Edgar Atheling did again return into England, where his insignificancy preserved him in safety, during a long life. William, on his return from this expedition, deprived Cospatrick of his earldom of Northumberland; accusing him of giving council and aid to those who had put to death

A. D. 1071.

Ita Flor. ad Ann. and Brompton, alſo Sim. Dun. in words of Florence.

A. D. 1072.

Sim. Dun.

* The annals of Waverly ſay, That in the entry into Scotland he croſſed *Scodwæde*. This is a name ſometimes given by Fordun to the Eſk, or Frith of Solway, which makes it probable that Abernithi expreſſes a place, where there was a port, or ſtation of veſſels, (according to the meaning of the Britiſh word Aber) at the mouth of the Nith; which is not far from the paſſage into Scotland over the Eſk, near its mouth. According to this interpretation, Abernithi muſt have been ſituated where the preſent Dumfries ſtands. The Saxon Chronicle ſays, that William entered Scotland at Gewæde, which Dr Gibſon tranſlates Tweed. Goodall ſays, That it ſhould be rendered *the Ford* (Vadum) and ſo would denote the ſame as Scothwæde, Sulwath, or the Eſk, near where it empties itſelf into that Frith. Hoveden's account of William's returning ſouthward, by the way of Durham, where, according to that author and others, he did at this time build the caſtle, agrees better with his having entered Scotland by the Tweed. Matthew of Weſtminſter ſays expreſsly, that William entered Scotland with a great army, and that Malcolm met him peaceably at Berwick, and paid him homage; *(Devenit homo ſuus.)*

Ford. l. 2. c. 2. l. 3. c. 7.

Goodall Introd. to Ford. p. 46. Hov. Ann. Mat. Weſt.

If Abernithi, or as Florence hath it, Abernithiei, be read Aberuithi, or Aberuithici, the name will approach near to that of Berwick: and in the ancient manuſcripts, the one of theſe letters, ſ for u, might be eaſily miſtaken for the other.

But it muſt be owned, that a ſtrong objection to either of theſe accounts of Abernithi, and an argument for its being Abernethy in Fife, ariſes from a paſſage in the ſpeech aſcribed by Ealred Abbot of Rievalle to Walter Eſpec, before the battle of the Standard. There, it is ſaid, that William the Conqueror penetrated through Laodonia, Calatria, and Scotia, as far as Abernith, where the warlike Malcolm ſurrendered himſelf to William as his vaſſal. Ethelred de Bello Stand. ap. Dec. Script. p. 340. What gives great weight to this authority, is Ealred's being cotemporary with David, Malcolm's third ſon, and his knowledge of Scotch affairs, as he was David's intimate friend, and the companion of prince Henry from his childhood. Dec. Sat. 349, 350, 368.

at

Wil. Conqueror K. of England.

Sim. Dun. p. 204.

at Durham Robert Cuming and his followers; and also to those who had destroyed the Normans at York. Cospatrick probably apprehending the loss of his life or liberty, as well as his dignity and estate, took refuge in Scotland. After a short stay there, he passed over to Flanders; Malcolm, perhaps, fearing to entertain him, so soon after a peace concluded with England. But some time after he returned to Scotland; and then Malcolm gave him Dunbar, with the adjacent lands in Lothian, for the support of himself and household, until the return of better times. William, immediately after Cospatrick's expulsion, conferred his earldom on Waltheof, the son of earl Siward.

A. D. 1074.

The prosperity and greatness of William excited the malignity even of his Norman chieftains; and, as is usual with usurpers, the exertions of his power, for his own preservation, were often arbitrary and severe. These things provoked most of his Norman and other foreign vassals, to whom he had distributed the lands of England, to enter into a conspiracy against him, while he was absent in Normandy. To this conspiracy earl Waltheof was privy, and promised secrecy to the other conspirators, though, on account of his obligations to William, he declined being active in the intended insurrection. He even soon broke his secrecy, communicating the plot to his wife, and to Lanfranc, archbishop of Canterbury who prevailed with him to go over to Normandy to reveal it to the king. The dread of being betrayed by Waltheof, or of their designs coming to light in some other way, impelled the conspirators to begin their insurrections too early: nor did the Danes, from whom they expected a great aid, arrive in time to support them. These circumstances contributed to the easy suppression of the conspiracy, by the king's faithful friends, and by himself after his return. Many of the conspirators were punished by death, the putting out of their eyes, or mutilation; and Waltheof, notwithstanding the alleviating circumstances above recited, was, chiefly on the testimony of his wife Judith, condemned to die. He was, after several months imprisonment, beheaded on a hill near Winchester; and was the last Englishman, who since the conquest, retained any considerable power or interest in the nation. Walcher, bishop of Durham, who succeeded Egelwin *, and was one of those foreigners whom William chose to advance to the great English sees, did, after the death of Waltheof, purchase from the king the Northumbrian earldom.

A. D. 1075. April 29.

The particular causes that broke the peace between Malcolm and William, are not recorded by historians; but Malcolm began his inroads about seven years

* Egelwin, in the year 1070, unwilling to submit to the oppreſſion of the Normans, embarked, in order to ſail for Germany, intending to ſpend the remainder of his life in a voluntary exile at Cologne. But contrary winds carried him into Scotland, where he ſpent the winter. In the following ſpring he joined Hereward, and Morcar, and ſhared with them in their deſperate defence of Ely; where he fell into the king's hands, and died in priſon, in the end of the year 1071.

Walcher, and Waltheof, according to Simeon of Durham and Hoveden, lived in the greateſt friendſhip. Waltheof ſitting with the biſhop in the ſynods of his clergy, and humbly and obediently putting in execution the decrees of the biſhop, for reforming religion within the bounds of his dioceſe. Hoved. p. 455. His body was firſt interred near the place of his execution, but was afterwards buried in the chapter-houſe of the abbey of Croyland; where the monks ſaid it remained uncorrupted, and wrought miracles. Of conſequence he was honoured as a ſaint. Dugd. Peer 1. 53.

years after the expedition of William into Scotland, above related. While William was employed on the frontiers of Wales, the Scottish king, in the autumn, over-ran the country as far as the Tyne, making havoc every where with fire and sword, and carrying home many captives and much booty. It seems somewhat unaccountable, that Malcolm should have been so cruel, as the English annalists represent him, to the Northumbrians; who appear to have born an enmity equal to his own against the Normans. This was shewn in a very conspicuous instance, in the year that followed the last-mentioned incursion of the Scots. Walcher, bishop of Durham, who had, during about six years, held the Northumbrian earldom, was himself a pious, learned, and good man; but he was unhappy in the choice of his ministers, and favourites. Gislibert, his kinsman, was intrusted by him as his deputy in the administration of the earldom; and his chief confident in all his affairs, was his chaplain Leofwin *. The bishop, at the same time, treating with great respect, and admitting to his councils, Ligulf, a Saxon nobleman, eminent by his possessions, high alliance †, and personal virtues: the jealousy and resentment of the Norman favourites were thereby excited; and Leofwin on a particular occasion, thinking himself grievously affronted by Ligulf, solicited Gislibert to put him to death. This Gislibert readily undertook; and assaulting his house in the night-time, murdered Ligulf himself, and the greatest part of his family. The bishop, though greatly displeased, yet continuing to entertain and employ the guilty persons, incurred the blame and resentment arising from their wicked deed; and in a meeting held at Gateshead, where he proposed to compound the matter between Ligulf's relations and Leofwin, the incensed multitude ‡, with much cruelty, destroyed not only the two principal offenders, but also the bishop himself, and the rest of his company, to the number of about an hundred. Odo, bishop of Bayeux, the Conqueror's uterine brother, and his *chief justiciary* §, being sent down with an army to punish this outrage, revenged the crime of the offenders, most of whom had fled, upon the province to which they belonged, by putting many cruelly to death, mutilating others, and laying waste the country.

Mal. Canemore K. of Scotland.

A. D. 1079.

A. D. 1080. Flor. Vig. Sim. Dun.

May 14.

It was in the third year of Walcher's bishopric, that Aldwin and two other monks, from the province of Mercia, gave a revival to monkery in the provinces to the north of the Humber, after it had been extinguished, and unknown there, for two hundred and eight years; that is, from the time the Danes had destroyed the convents. Aldwin and his companions came first to

A. D. 1074. Sim. Dun. G. R. A. p. 206. Turgot. H. D. E. p. 43, 44, 45.

* Turgot calls Leofwin his archdeacon.

† Ligulf married Algitha, the ſiſter of Alfleda, wife of earl Siward, and mother to Waltheof. Sim. Dun.

‡ The leader of this multitude was Eadulf, ſirnamed Rus, a great grandſon of earl Uchtred, and conſequently related by affinity to Ligulf. Eadulf is ſaid to have killed the biſhop with his own hand; but ſoon after, being killed himſelf by a woman, he was buried in the church of *Geddewerde*; from whence afterwards this nuiſance was caſt out by Turgot, when prior and archdeacon of the church of Durham. Sim. Dun. Col. 204. But Turgot himſelf calls this murderer Walthef; and ſays that he was killed by his wife's brother. Turgot, l. 3. c. 23.

§ Turgot aptly deſcribes the greatneſs of this office of Juſticiary in thoſe times; ſpeaking of Odo, he ſays, *qui tunc a rege ſecundus fuerat.*

Wil. Conqueror K. of England.

Newcastle, then called Monkchester; but Walcher being informed of their pious intent, took them immediately under his protection, and gave them the ruined monastery of Jarrow. But Aldwin leaving the care of Jarrow to one of his companions, and carrying along with him Turgot, whom bishop Walcher had recommended to his tuition, set out for Mailros, where St. Cuthbert was first known. What was formerly a monastery, they found now a solitude; but delighted with the retired situation of the place, they there took up their abode, and applied themselves to their devotions. Having repaired the ruins of the church in the simplest manner, and reared a hut contiguous to it; for a place of eating and sleeping, they were joined by a few Northumbrians, and by several from the more southern provinces; and received a scanty sustenance from the alms of the religious. But Malcolm, to whom the place was subject, oppressed and persecuted them very cruelly; because that, revering the precept in the gospel, they refused to swear fidelity to him. In the mean time Walcher, by repeated letters and commands, entreated and adjured them to return and live under the protection of St. Cuthbert; and at last proceeded so far as to threaten them with excommunication, if they continued obstinate. The dread of excommunication had more influence with them than the fear of the king, or of the death that he threatened; for they had determined rather to die, than abandon the place. Upon their return to Walcher, he gave Aldwin the monastery of Weremouth, and endowed it with the town of the same name. In the time of bishop Walcher's successor, the monks of the two monasteries of Jarrow and Weremouth were brought to Durham, and were substituted in the place of the canons, who formerly performed divine offices, and attended the body of St. Cuthbert in the cathedral church. Aldwin was their first prior; Turgot, his disciple, succeeded him; and in the reign of Alexander I. of Scotland, was promoted to the bishopric of St. Andrew's.

Fordun, l. 5. c. 21. A. D. 1080. Sim. Dun. Col. 211.

The devastations of Odo, mentioned above, were followed by an inroad of Malcolm, the Scottish king; to whose protection the murderers of bishop Walcher probably had recourse. Malcolm is said by Fordun to have pursued Odo, to have defeated his forces, and wasted Yorkshire. It is at least certain, that William found it necessary to send his eldest son Robert to oppose the progress of the Scots. Malcolm retired before him, and Robert advanced into Scotland; but soon returning without having achieved any thing of moment, he built a castle on the Tyne, at a place called, formerly *Monkchester*, but, afterwards, from the castle then erected, *Newcastle*. During the last seven years of the Conqueror's reign, the only thing we meet with in history, concerning the affairs of Northumberland, is, that, on the alarm of a formidable invasion, which Canute, king of Denmark, was preparing to make into England, William brought over from the continent a great army of foreign mercenaries, for the defence of his kingdom, and sent several thousands of them into the Northumbrian territories. After all that had been suffered by that miserable country, these soldiers had still orders to waste it, that no subsistence might be found in it by the invaders; whose expedition was stopt by contrary winds and domestic disturbances. When the successive disorders and devastations of these northern parts, during the Conqueror's reign, are considered, it is not

A. D. 1085.

to

to be wondered that there is no account of Northumberland, Cumberland, and Westmoreland, in the famous Doomsday Book, which contains a particular survey of all the parts of England, and was finished the year before the Conqueror's death.

Mal. Canemore K. of Scotland.

William the Conqueror dying in Normandy, was succeeded in the dukedom of that province, by his eldest son Robert, and in the kingdom of England, by his second son William, sirnamed Rufus. The old king, on his deathbed, gave orders for setting free all prisoners; upon their engaging, by oath, not to disturb the public peace. Morear, formerly earl of Northumberland, who had been a prisoner in Normandy; having thus regained his liberty, came over to England with Rufus, after the Conqueror's death; but his liberty exciting the jealousy of Rufus, he was, immediately after his arrival in England, committed again to custody at Winchester *. It soon appeared, however, that Rufus had less to fear from the English, whom his father had very thoroughly subdued, than from the haughty and turbulent spirit of the Norman barons; many of whom were attached to his brother Robert, both for his personal good qualities, and his title by primogeniture to his father's throne. In the spring of the following year, a number of insurrections were made by these lords, in different parts of the kingdom; all which Rufus, and those who continued faithful to him soon subdued. Among the insurgents, was William de Carilif †, bishop of Durham, who was in the highest confidence with Rufus, and accounted his prime minister. This bishop exerted all his power and influence, against the king in the north; but after Rufus had given the fatal blow to the rebellion in the South, by reducing the castle of Rochester, he sent an army against the bishop, who was obliged to surrender his castle of Durham, and to retire into Normandy, where he remained more than two years. Robert de Moubrai was at this time earl of Northumberland, and was engaged in the rebellion, along with his uncle Geffrey, bishop of Coutance in Normandy. But Geffrey having at that time the charge of the castle of Bristol, where Robert was with him, the scene of their enterprises, one of which was the destruction of the city of Bath, was far remote from Robert's northern province. The precise time when the earldom of Northumberland was conferred on Robert is not known. After the death of bishop Walcher, one Alberic, a Norman was advanced by the Conqueror to that dignity; but proving unequal to a charge of such importance and difficulty, was soon removed from it, and returned to his own country. The above-mentioned Geffrey, bishop of Coutance, appears to have had, for some time, the administration of this earldom; which afterwards was given to his nephew, Robert de Moubrai, a celebrated warrior, bold, stern, and haughty. His uncle, the bishop, was an eminent leader in the conqueror's army that invaded England, and gained the battle of Hastings; where this prelate signalized his courage, and, for his reward, re-

A. D. 1087.

Ord. Vit.

A. D. 1088.

Chron. Sax. Fl. Vig.

Ann. Dun. ap. Whart. Ang. Sec. v. 1. p. 764.

Sim. Dun.

Dugdale's Peerage, vol. 1.

* Together with Morcar, he committed alſo to priſon Wulnoth, brother of king Harold, who had been detained in Normandy, as a hoſtage and priſoner ſince 1052.

† William de Carilif, ſo called from the monaſtery, to which he had belonged, ſucceeded Walcher in the ſee of Durham; to which he was nominated by the king. Ann. 1080, 9th Nov.

William Rufus, K. of England.

ceived a large share of the lands of the vanquished; and to all which his nephew Robert was the heir.

The fierce usurping temper of Rufus soon led him to take advantage of the indolence and mildness of his brother Robert, and of those civil discords which prevailed in Normandy, from the character of its ruler. William first employed his wealth to corrupt his brother's subjects, and then openly invaded his dominions; but by the interposition of the Norman barons, many of whom had lands both in England and Normandy, a reconciliation was effected between them. Malcolm, king of Scotland, who was not pleased with the succession of Rufus to the crown of England, to the exclusion of his elder brother Robert, seized the opportunity of William's absence, made an invasion into Northumberland, and was advancing farther into the kingdom, but the great men of the country collecting their forces to oppose him, he returned to Scotland, carrying with him considerable spoils. Rufus, informed of this invasion, which was made in May, came over from Normandy in August, accompanied by his brother Robert. Soon after an expedition was undertaken against Scotland, both by sea and land; in which expedition Robert did also attend the king. But ere it reached Scotland, the fleet was almost totally destroyed by a storm, which happened a few days before Michaelmas. The land-army also suffered much by cold and scarcity of provisions. In these circumstances Malcolm met them with his army, somewhere near the frontier of his dominions*; and is said to have sent a message to the English camp, offering his homage to Robert, as being the conqueror's eldest son, agreeable to his engagements to his father; but at the same time denouncing plain war against Rufus. Edgar Atheling was then with Malcolm; Rufus having, in his late expeditions into Normandy, obliged Edgar to abandon that country; in which Henry, the youngest of the Conqueror's sons, had given him a settlement. Robert going to the Scottish camp, was assisted by Edgar in mediating a peace between the two kings; which was concluded on the condition, that Malcolm should pay the same homage to Rufus, as he had done to his father; and should

A. D. 1091. Chron. Sax. Fl. Vig.

* * The Saxon Chronicle says, that Malcolm hearing of the approach of the English army, *departed with his army from Scotland into Lothene in England*, and there remained. The annals of Waverley say almost the same; Lodone they have, instead of Lothene; and when the same annals mention the restitution, made by Malcolm IV. of Scotland, to Henry II. of England, of the northern counties, they call them *Comitatus Lodonenſis*, Florence says, That Malcolm, with his army, met Rufus in the province Loide. Simeon of Durham and Hoveden say the same. The Mailros Chronicle, which Fordun in l. 1. c. 24. almost transcribes, relates, That William met with Malcolm's army already waiting Northumberland, *in provincia Loidis*. Brompton, followed by Hemingford, relates, That this meeting was *in provincia Loudicenſi juxta confinia*; nor do either of these authors, nor Florence, nor Simeon, mention Malcolm's going out of his own kingdom into this province. According to Ordericus Vitalis, the English army advanced to *Scotwatre*, by which is probably meant the Frith of Forth; which, in the old writers of both nations, is often called *Mare Scoticum*. Perhaps the Saxon Chronicle, and Ordericus, may be reconciled, by supposing, that the writer of the former understood Scotwater to be the limit of the two kingdoms; and consequently that Malcolm, by crossing and entering Lothene, or Loide, did at the same time enter England. That Rufus directed his route in this expedition, towards the eastern march between the kingdoms, seems probable from his passing through Durham; where he restored William de Carilef to the possession of that see; on the same day of the month, 11th September, on which he had been driven out of it three years before.

also

also hold the same lands and possessions from the crown of England, as he had held in the Conqueror's time. These were twelve towns in England, and an annual pension of twelve marks of gold. Mal.C anemore K. of Scotland. Ford. l. 5. c. 24. Ann. Wav. p. 137.

In the year following, Rufus, making an expedition to the western parts of his northern frontiers, rebuilt the city of Carlisle; which, from the time of its destruction by the Danes, had continued in ruins, about two hundred years. The king also built the castle of that city, and sent a colony thither from the southern parts of his dominions. Next year, while Rufus resided at Gloucester *, Malcolm, king of Scotland, came to his court. This visit of Malcolm was made at the desire, or summons, of Rufus; in consequence of solicitations on the part of Malcolm, that Rufus would fulfil the articles of the agreement lately concluded between them. Rufus, agreeably to the wish of many of the English nobles, gave Malcolm hopes of obtaining satisfaction, upon his repairing to his court, to which he ordered him to be honourably conducted. But upon his arrival, Rufus behaved to him with great insolence and disdain; refusing him access to his presence, and insisting that Malcolm should submit the matters in dispute between them, to the judgment of the peers of England. This judgment Malcolm absolutely declined, affirming, that such controversies were wont to be settled on the marches, by the principal men of both kingdoms. But these pretensions being rejected by Rufus, Malcolm returned to his own kingdom in high displeasure. Nor was he long in shewing the effects of his resentment: for he and his son Edward, soon after, entering Northumberland with a great army, ravaged the country with fire and sword: but having advanced as far as the castle of Alnwick, both he and his son were there slain, and his army almost wholly destroyed. These disasters are ascribed to an unexpected attack from an ambush laid by the soldiers of Robert de Moubrai, the Northumbrian earl. The person who slew the king was Moræl †, of Bamburgh, who was intrusted either with the defence of Alnwick, or the command of those forces that formed the ambush in its neighbourhood. According to Fordun, the bravery of Moræl was in this enterprize aided by treachery. For the garrison of the castle of Alnwick being cut off from all hopes

Ford. l. 5. c. 24. Ann. Wav. p. 137. Chr. Sax. A. D. 1092. Sim. Dun. G. R. A. A. D. 1093. Chr. Sax. Fl. Vig. Sim. Dun.

August 24.

Hoveden. Hemingford.

Chr. Sax. Ann. Wav.

Nov. 13. St. Brice's day.

Ford. l. 5. c. 25.

* Malcolm, on his way to Glouceſter, came to Durham; and did there, with Carilef, the biſhop of Durham, and Turgot, the prior of the convent, lay the firſt ſtones in the foundation of the new cathedral, on Thurſday the 11th of Auguſt. Sim. Dun. Col. 218.

† In Edward's expoſition of the evidences of his right to the ſovereignty of Scotland, Malcolm, and his ſon Edward, are ſaid to have been ſlain in Northumberland, *per Morellum militem ſtrenuiſſimum*, Rym. ii. 560. The Saxon Chronicle does not mention Alnwick, or its caſtle. Florence, Malmeſbury, Simeon of Durham, and the Mailros Chronicle, are all equally ſilent concerning them. Hoveden ſays, he was ſlain by Moræl, near the Alne. Hemingford relates, that he waſted and burnt the country as far as Alnwick, and was ſlain near the Alne. Fordun's account of this event, which ſeems to be copied from Turgot, who wrote the lives of Malcolm and St. Margaret, is the only ancient one that mentions the caſtle of Alnwick, or Murealden (which Goodall conjectures may be read Inveralden). Malmeſbury confirms Fordun's account, ſaying, that Malcolm was cut off rather by fraud than force.

The Editor was lately informed, by the learned and ingenious Dr Percy, that the ſoldier, who ſlew king Malcolm Canemore, is called Hammond, in the old Chronicle of Alnwick abbey, preſerved in the Britiſh Muſeum, which alſo ſays, that he eſcaped through the river Alne, then ſwoln with rain, at a place which was long after called Hammond's Ford; probably where the bridge was afterwards built.

of

William Rufus, K. of England. Donald Bane, K. of Scotland.

of relief, Moræl undertook either to deliver them, or die in the attempt. Issuing therefore from the caſtle, and carrying the keys of it on his ſpear's point, he advanced to the Scottiſh camp; where he inquired for the king, profeſſing his intent to deliver the keys into the king's hand. Malcolm, informed of his approaching towards his tent, came haſtily forth from it, without his armour, which the traitor obſerving, pierced him through; and, by the fleetneſs of his horſe, made his eſcape into a neighbouring wood*. A confuſion ariſing in the Scottiſh army, their enemies, whether in garriſon or ambuſh, ſeized the advantage thereby offered; for making a fierce attack on the Scots, they put them wholly to the rout; and Edward, the king's eldeſt ſon, received, in this ſhock, wounds, of which he died three days after †.

Margaret, the queen of Scotland, a woman greatly renowned for ſanctity and goodneſs, overwhelmed with grief on receiving the news of the death of her husband and ſon, ſurvived them only a few days; and to complete the diſtreſs of the unhappy family, Donald, Malcolm's brother, availing himſelf of prejudices ſtill remaining in favour of the ancient law of ſucceſſion, and taking advantage of the minority of his brother's children, ſupported alſo by Magnus, king of Norway, to whom for his aid, he is ſaid to have reſigned the Weſtern Iſlands ‡, procured himſelf to be acknowledged and crowned king. To gratify the ancient Scots, to whom he chiefly owed his exaltation, all the Engliſh and Normans, who had belonged to Malcolm's court, were expelled from Scotland; and along with them Edgar Atheling returned to England, carrying with him his nephews, the children of the late king. But Donald, after poſſeſſing the throne ſix months, was driven from it by Duncan §, a baſtard-ſon of king Malcolm: who, having been delivered by his father as an hoſtage to the Conqueror, had reſided long at the court of England, and ſerved Rufus in his

Ford. l. 5. c. 26.

Chron. Sax. Fl. Vig. Sim. Dun.

* The author probably thought what is related by ſome hiſtorians unworthy of notice: that the ſoldier's name who ſlew king Malcolm, was Mowbray; that by piercing Malcolm through the eye, he acquired the name of Piercie; and that this ſoldier was the anceſtor of the Piercie family, who derived their name from this exploit. Fordun looks upon this ſtory as an idle fable, and it ought to be viewed in no other light; becauſe William de Percy, the anceſtor of the illuſtrious family of Percy, is mentioned in the rolls of Battle Abbey, as one of the Norman chieftains, who came over with the Conqueror in 1066; and it is certain, he derived his name from the town of Percy in the Lower Normandy, where the original ſeat of the Percies was, and a branch of them ſtill remains. The Percy family, though eminent in Yorkſhire, and the ſouthern provinces, from the conqueſt, had no connexion with Northumberland till the reign of Edward II.

The information in the above note, with regard to the Percy family, was communicated to the Editor by Dr Percy.

† At Eadward-Iſle ſays Fordun, in the foreſt of Jedwood. Sim. Dun. i. e. Turgot ſays, that the Scottiſh army was either cut off by the edge of the ſword, or thoſe who eſcaped the ſword were ſwallowed up by the inundation of rivers, at that time greatly ſwelled by winter rains.

‡ Fordun does not mention Donald's reſigning the Weſtern Iſles.

§ Duncan, in an authentic charter, preſerved in the Durham archives, adds to his name, *conſtans hereditariæ Rex Scotiæ;* and in Edward's expoſition lately quoted, and alſo in Baliol's pleadings againſt Bruce, contained in the ſame great proceſs, Duncan is ſpoken of as the eldeſt legitimate ſon of Malcolm, and Edgar as his ſecond ſon; which is alſo agreeable to the teſtimony of the Norwegian hiſtorian Torfæus. Torfæus ſays, That Malcolm's firſt wife was Ingibiorge, widow of Torfinn, earl of Orkney, and mother, by her firſt marriage, to Paulus and Erlendus, Earls of Orkney. Torf. c. 15. ap. Dalr. Hiſt. Coll. p. 163.

Rym. 2. 561, 585.

wars,

wars. Duncan now requested the English monarch's leave and aid to seize his father's throne; which request was readily granted, on his swearing that fealty to Rufus, which Donald perhaps had refused. Duncan hastening into Scotland, with a great body of English and Normans, expelled his uncle from the throne, and reigned a year and six months. This short reign was disturbed by an insurrection of the Scots, in which the English and Normans, whom the king retained in his service, were almost all cut off; and Duncan, for the sake of regaining the fealty and obedience of his subjects, was obliged to promise to introduce no more of these strangers into his kingdom. But though he escaped the hazard of this insurrection, he was soon destroyed by the insidious arts of his uncle Donald; who again ascended the throne, and held it three years.

Duncan II. K. of Scotland. A. D. 1094. Chron. Sax. Fl. Vig. A. D. 1095.

About the time of this last revolution in Scotland, Robert de Moubrai, earl of Northumberland, brought upon himself the vengeance of the English monarch; by associating with William d'Eu, and other Norman lords, in a conspiracy for deposing Rufus, and advancing in his stead to the throne, Stephen, count of Aumale, the Conqueror's sister's son. The king, informed of the plot, sent a summons to Robert, who had absented himself from the court at the festival of Easter, to attend it at his peril * at the approaching festival of Whitsunday: but Robert refused to come, unless the king sent him hostages and a safe conduct, to protect him in going and returning. Rufus, greatly enraged at this insolence, marched northwards with his army, and took the castle of Tinmouth, after a siege of two months. Here he made prisoner the earl's brother, with the garrison he commanded; and in another fortress took almost all the earl's chief men. But advancing to Bamburgh, where Robert resided himself, as being his principal place of strength, the king found it impregnable: therefore, to curb its garrison, and cut off their provisions, he built a fortress in its neighbourhood, which he called *Malvoisin*, or the *Ill Neighbour*; in which he left a strong garrison, and returned to the southern parts of his kingdom. Robert, by means of some secret correspondence he had in the garrison of Newcastle, hoped to make himself master of it. For this purpose he set out from Bamburgh in the night, accompanied with thirty horse. But being observed by the garrison of Malvoisin, he was pursued by a part of them; and his pursuers having advertised the garrison of Newcastle to be upon their guard, he found himself shut out from that place, and directed his flight to the Monastery of St. Oswin † at Tinmouth. Here after sustaining a siege of six days, and receiving a wound in his leg, he and his followers were taken prisoners. Still his wife, and Moræl his relation and lieutenant, held out Bamburgh. But Rufus gave orders, that the captive earl should be carried before that place, and that his eyes should be put out, unless it were immediately

Chron. Sax. Fl. Vig.

* Huntington says, That Robert, earl of Northumberland, elated with pride, on account of his having cut off the king of Scotland, refused to go to Rufus's court. Huntin. p. 373.

† From this monastery, Robert de Moubrai, on account of his dissension with William de Carilef, bishop of Durham, expelled the monks of St Cuthbert, and made a present of it to the abbot of St. Albans; for which iniquitous conduct, Turgot observes, that in the church of that monastery, Moubrai deservedly lost his possessions, honour, and safety. Sim. Dun. H. D. E. Col. 52.

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William Rufus, K. of England.

surrendered. These menaces had the desired effect. The place was delivered to the king's forces, and Moræl merited his pardon, by discovering the accomplices of the plot; many of whom were severely punished. The earl himself was committed prisoner to the castle of Windsor; where he died after a confinement of thirty years.

A. D. 1098.

Two years after this revolution in Northumberland, Edgar, the eldest surviving son of Malcolm Canemore, was by the aid of the English king, restored to the possession of his father's throne. The character of Rufus gives some probability to what certain of the English annalists relate, that Edgar was obliged to hold the Scottish crown in vassalage to the English king. But however this was, it is certain, that Edgar Atheling * accompanied his nephew into Scotland, with an army consisting of his own friends, and of forces received from Rufus. This foreign aid from England, concurring with the affection of the greater part of the nation to the son of their late highly esteemed and beloved sovereign Malcolm Canemore, made the restoration of Edgar extremely easy; for Robert, the son of Goodwin, a brave English captain, with two companions, having boldly charged and slain some of the stoutest of Donald's men, who were advanced before the van of his army, all the rest of Donald's forces betook themselves to flight; and Edgar, without farther shedding of blood, was placed on the throne of his ancestors, which he held more than nine years.

Ford. l. 5. c. 30.

This revolution the monks of St. Cuthbert ascribed to the favour of their patron; for they relate, that as Edgar was on his march towards Scotland, Cuthbert appeared to him in a vision by night, promising him the protection of heaven, and directing him to receive his banner from the convent at Durham, and to carry it before his army: assuring him, that if he did so, by the aid of the saint, his enemies would be dissipated, and fly before him. Edgar having related his dream to his uncle, the orders of the saint were obeyed in all points, and followed by the promised success. Soon after, the young king, in testimony of his gratitude, made a present of the above-mentioned convent, of the place and lands of Coldingham, together with several villages in its neighbourhood †. The ancient abbey, at the last-mentioned place, with its church, was restored; a colony of monks was sent thither from Durham: and the priory of Coldingham continued, for several ages after, to depend as a cell on that of Durham. Edgar assisted in person at the dedication of the church of *Coldingham*, which was consecrated to the blessed Virgin; and, on that occasion, made to that church, and the monks of St. Cuthbert, a gift of some addi-

Ibid. c. 34. Anderson, Dipl.

* The Saxon Chronicle says, that Edgar Atheling made his nephew king of Scotland, *sub regis Wilhelmi ditione*. It also places this event in 1097, about the feast of Michaelmas.

† The Charter together with the manſion of Coldingham, mentions the following manſions, viz. Aldcambus, Lumiſden, Regnintun (Renton), Riſton, Swinewde (Swinewood), Farndun (Farnyſide) the two Eituns (Aitons), Prenageſt (Prendergeſt,) and Crameſmuthe. All theſe, with ſmall variations in the ſpelling, are the names of villages to this day ſituated in the neighbourhood, except Crameſmuthe. The author of the Index of Places, prefixed to Anderſon's Diplomata, thinks that the traces of the name of Crameſmuthe appear in Crameſton and Crameknow, the names of places near Dunſe. But it is not improbable that Crameſmuthe was adjacent to the other manſions, though neither the place nor name now exiſts.

And. Dipl.

tional

tional lands in the Mers *. He also granted the same privileges as a sanctuary to Coldingham, in going, returning, and abiding, as were possessed by Holy Island and Norham; † and the annual pension of half a mark of silver to the monks of Coldingham, from every plough in Coldinghamshire; to which tax the possessors of these lands voluntarily submitted, and became engaged to the king for paying it. Edgar, King of Scotland. Anderson's Dipl. Pl. 6, 7.

This pious and peaceable king is related to have given a farther testimony of his gratitude, by making a present to the bishop of Durham of the town of Berwick and its appendages. Ranulph, or Ralph Flambard, who had succeeded William de Carilef in the bishoprick of Durham, was a very unworthy representative of the great saint of Lindisferne; for being a principal favourite of Rufus, his chief justiciary, and manager of his finances, he committed all kinds of rapacity and extortion, to gratify the boundless avarice of his master. This man, regardless of the obligation conferred on him by Edgar, seized the opportunity of the absence of the latter, on a journey to Rufus's court; and, by a sudden assault of the barons, and men of his province, made prisoner the captain above-mentioned, who had fought so bravely in the front of Edgar's army. What offended the bishop, was this captain's building a castle on some lands which Edgar had given him near the border of the kingdoms ‡. Edgar, informed of this outrage complained to Rufus; by whose orders Robert was released, and with honour reconducted by Edgar into Scotland. This king also, justly provoked at the bishop's ingratitude, resumed into his own possession the valuable present he had made him of Berwick.

In the second year of the reign of Edgar, the life of the English king, William II. came to a sudden end, by an accidental wound from the arrow of one of his knights, who accompanied him, while hunting in the New Forest. His younger brother who was on the spot, took advantage of the absence of his elder brother Robert, not yet returned from the first crusade, and frustrated him, for the second time, of his claim by primogeniture to the crown of England. And among other expedients, by which he sought to ingratiate himself with his English subjects, he took to wife, about three months after he ascended the throne, Maud, the eldest daughter of Malcolm Canemore; descended, by her mother Margaret, from the ancient race of English kings, and, at that time, residing in the monastery of Winchester. This near alliance of Edgar with the English king, the pacific temper of the former, and the direction of the ambition of the latter to the conquest of Normandy, from his brother, all conspired to preserve peace with England, during Edgar's reign; which continued nine years and three months. A. D. 1100.

* These were the lands of Swinton, as they had been possessed by Liulf, together with twenty-four beasts for tilling them anew. By two other charters, he grants to the same monks of St. Cuthbert, Paxton and Fishwick; and particularly the lands adjacent to the latter, situated between Hoverdene (Horndean), and Knapadene (Knapdean, still so called). Smith's Edition of Bede, Appendix, No. 20.

† The peace granted to those, who fled for protection to the body of St. Cuthbert, was thirty-seven days. Whart. Ang. Sac. vol. i. p. 699.

‡ This castle, according to Fordun, was in Lodonia.

Henry I. K. of England. Alexander I. K. of Scotland.

A. D. 1107. Sim. Dun. p. 246.

1106.

1121. Sim. Dun. p. 243. Chron. Mailr. p. 164. Ford. l. 5. c. 40.

Edgar, dying without issue, was succeeded by his brother Alexander, sirnamed the Fierce *; who, notwithstanding his aspiring, bold, and impetuous spirit, by which he acquired the designation of *Fierce*, did also live in peace with his brother-in-law Henry I. The union of these princes was farther cemented by Alexander's marrying Sybilla, one of Henry's natural daughters. Henry, although he had taken his brother Robert, in the battle of Tinchebrai, and confined him to a perpetual prison in Wales, did not, for many years after, obtain the quiet possession of Normandy, having a tedious war to wage against the king of France, and some potent French lords, who were jealous of Henry's greatness, and assisted William the son of Robert in contending for his father's dominions. Three years before the death of Alexander, the castle of Norham began to be built by Ralph Flambard, bishop of Durham. This prelate having been one of the most hated instruments of Rufus's tyranny, Henry, upon his accession to the throne, committed him to prison. But he soon made his escape into Normandy, where he insinuated himself into high favour and confidence with duke Robert. This influence he employed to excite the duke to invade England; and accompanied him in the expedition. By the agreement which soon composed the strife between the brothers, care was taken to indemnify those who had aided or accompanied Robert; in consequence of which, Ralph was restored to the possession of his see, and held it to his death, which happened about twenty-seven years after. But although he was at great pains to gain the royal favour, and oppressed the inhabitants of his diocese, by exacting money to be laid out in presents to Henry, and the chief persons of his court; yet he could never acquire much interest there. Hence he was not able to prevent the dismembering of his diocese, which was stripped of that part of it which had formerly belonged to the see of Hexham. What was taken from Durham was shared between the dioceses of York and Glasgow, the latter of which, by the procurement of David, the brother of the king of Scotland, was erected at that time. But in administering of what was left to him, Ralph displayed the same authority, boldness, and ambition, which he had before exerted in a more exalted sphere. One of the proofs of which, was his building the strong fortress already mentioned, for the defence of the most northern and advanced parts of St. Cuthbert's territory against the depredations of the Scots.

Wharton's Ang. Sacr. p. 699.

Alexander king of Scotland dying without children, was succeeded by his brother David. This prince is the great hero of the monks; who have endeavoured, by unbounded praises, to repay his unbounded liberality to their orders: but they have bestowed their praises on few, who to their merits toward them have joined so many solid virtues. Soon after his ascending the throne,

A. D. 1124.

* Alexander *clericis et monachis satis humilis et amabilis erat, cæteris subditorum supra modum terribilis, homo magni cordis, ultra vires suas se in omnibus extendens,——omnibus advenientibus supra vires liberalissimus.* Ailr. Rieval.

Alexander confirmed to St Cuthbert and his monks, all that they possessed in Scotland in the time of his brother Edgar. In his general grant, he makes particular mention of the lands between Horndean and Knapdean. He also renews, by a special charter, the donation of the lands of Swinton; and forbids the prior and monks of Durham, to answer in any plea, relating to these lands, unless in his presence or by his orders. Smith's App. to Bede. No. 20.

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David I. K. of Scotland.

he was visited by John, Cardinal of Crima, Legate of Pope Honorius, who was probably the first who entered Scotland invested with this commission; as he was the first who was allowed to exercise it freely in England. This prelate, after making a progress through England, on the business of his legation, came to the Scottish king at Roxburgh *. His chief errand in Scotland, as appears from the Pope's letter brought by him to David, was to inquire into the controversy that had been long agitated between the archbishop of York and the Scottish bishops, relating to the claim of primacy made by the archbishop over the Scottish church, and his right of ordaining the bishops of Scotland, when there was no archbishop: which claim the Scottish clergy opposed, as being unsupported either by any just title, or by ancient custom. The pope requested David to call together his bishops to meet in council with the legate, for the examination of this question; and probably such a council was held at Roxburgh, although no account remains of its acts. Only it seems to have been in consequence of these, that, in the following year, Robert, who had been elected bishop of St. Andrews in the reign of Alexander, and whose consecration had been deferred by reason of the above-mentioned controversy, did receive consecration at York from the archbishop of that see, assisted by Ralph bishop of Durham, and the bishop of the Orkneys; but he was consecrated, without making any profession of subjection or obedience to the see of York.

Sim. Dun.

Contin. Flor. Vig. p. 663.

A. D. 1126.

After Michaelmas in this year, David went to the court of England, where he continued several months, and with the rest of Henry's great vassals, swore fealty to the Empress Maud, as the heir of her father to the throne of England. David seems to have been attended in his return to his own kingdom, by Thurstin archbishop of York, Ralph bishop of Durham, and Algar, prior of St. Cuthbert's convent in the last mentioned city. For these were with David at Roxburgh in the month of July; and it was in compliance with the advice and request of the king of the two prelates just named, and John bishop of Glasgow, and in the presence of them all and many others, that Robert bishop of St. Andrews did deliver, before the door of the church of St. John the Evangelist in Roxburgh, a charter of liberties to the church of Coldingham, and to all other churches and chapels that should henceforth canonically belong to the church of St. Cuthbert. By this charter, these churches were declared free from *all claims*, payments and services †, on the part of the bishop or his successors, so as in these respects to be more free than any other churches in Lothoneium; and no bishop, archdeacon, or deacon,

1127. Chart. in Smith's App. to Bed. p. 764.

* Simeon of Durham describes Roxburgh by its situation on the Tweed; which river, says he divides Northumberland and Loida. This shews the extent southwards of the *Loida*, *Lodonia* or *Laodonia* of those times——*pervenit (legatus) apud fluvium Tuedam qui Northumbrian et Loidam determinat, in loco qui Rocheſburch vocatur.* The legate, after his return to England, held a council at London; in which council, having declaimed against the profanation of a prieſt riſing from the ſide of an harlot *to make the body of Chriſt*, he himſelf was found, the following night, in bed with an harlot.

† *Ab omni calumnia, conſuetudine et Cana et Cunwetha.* Skene de Verb. Sign. obſerves, that *Cana* denotes certain rates or aſſeſſments paid out of lands or other poſſeſſions; eſpecially to churchmen. The word is ſtill uſed in Scotland, in the phraſe of Cane-fowls, &c.

Henry I. K. of England.

was henceforth to exact from them any customs or aids more than they freely chose to give.

The country of the Scottish borders towards England having been part of the appanage of David *, during his brother Alexander's reign, the quiet which that country enjoyed †. and the cultivation which its natural advantages probably began to receive, during a long and cordial peace with England, were circumstances that seem to have engaged David to make choice of Roxburgh for a place of residence, and to render it, by strong fortifications, one of the bulwarks of his kingdom. During his brother Alexander's reign, David had brought over from Tirone in France, certain monks of a reformed order lately founded by ‡ Bernard d'Abbeville, in high reputation for severity and sanctity,

* The poſſeſſions of David during his brother Alexander's life, may be in a good meaſure learned from the grants made by the former, in his charter to the abbey he founded at Selkirk, There were lands in Selkirk itſelf, and in the adjacent places of Middleham, Bowden (Bothenden), and Halidon (Aldon), alſo his Lordſhip of Mailros; ſome land and a houſe in Sprowſton, forty ſhillings yearly out of the revenues of Roxburgh, with a houſe and the ſeventh part of a mill; and in Berwick a plow-gate of land, and a houſe below the church extending to the Tweed, the half of a fiſhing and ſeventh part of a mill, and forty ſhillings out of the yearly revenue of the town. The other article of grants in Scotland, which have relation to any particular place, is a tenth of the cane cheeſes paid out of Galloway. From theſe grants it is evident that David's poſſeſſions, in the time of his brother Alexander, and while his own title was that of earl of Huntingdon, extended from eaſt to weſt, all along the border towards England. Sir J. Dalrymple's Coll. App. No. 1. Ethelred or Ailred, abbot of Rievalle, in his hiſtory of the battle of the Standard, repreſents Robert de Brus as telling David, that by the terror of the Normans, that is Henry I. and his nobles, who were David's friends, he had obtained without blood from his brother Alexander, the poſſeſſion of that portion of his kingdom which king Edgar his brother, yea, to David more than a brother, had bequeathed to him *(moriens delegavit)*. Dec. Scr. Sir J. Dalr. Coll. p. 197. The confirmatory charter, granted to the convent of Kelſo by Malcolm IV. David's grandſon, in 1159, mentions *decimam animalium et porcorum et caſeorum de Chan de quatuor* Hadrett *de illa Galwica quam, vivente rege Alexandro, avus meus habuit, per unumquemque annum.* In the ſame charter are contained many additional donations. What this monaſtery had then in Berwick, were a plow-gate of land *(carucata terræ)* a houſe belonging to that plow-gate near the church of St. Laurence, and another houſe within the burgh, forty ſhillings yearly of the cuſtoms of the ſame town, half of a fiſhing called Berwick Stream, a ſeventh part of the mills, the land of Dodin in the ſame town, and the land of Waltheve the ſon of Ernobold. Malcolm alſo confirms to them the church of St. Laurence, which had been given them by Robert the ſon William. Anderſon's Diplomata, No. 25. The original of this charter of king Malcolm, is now in the Duke of Roxburgh's archives.

† It is probable, that the wars between the neighbouring nations, during the reigns of the Conqueror and his ſon Rufus, and thoſe of Malcolm Canemore and his brother Donald, had laid waſte much of the country on the marches. It appears from the Coldingham charters, that in the reign of Edgar, Swinton and Ednam, ſituated in parts of the Mers and Roxburghſhire, remarkable for natural goodneſs of ſoil, were in a waſte and deſolate ſtate. Append. to Bede. p. 760, 763.

‡ Bernard, the founder of this order, was a diſciple of Robert d' Arbriſſel founder of the order of Fontevraud, which, by a conſtitution almoſt peculiar to itſelf, conſiſted of both monks and nuns, and had an abbeſs to govern the whole ſociety. Bernard founded the monaſtery of Tirone, from which his diſciples derived their name, in the year 1109. David is ſaid to have entertained ſo high a veneration for this holy man, that he went over to France to viſit him; but the abbot being dead before the prince arrived, David brought over with him twelve more of his monks and an abbot. The habit of theſe monks was a light gray; afterwards changed to black. Stevens Monaſt. vol. ii. p. 257. Fordun ſeems to ſay, that theſe monks came to Selkirk in 1109. But Simeon of Durham ſays, they came thither in 1113, and remained there fifteen years. Fordun ſays, that Ralph, one of the monks brought over from France, was the firſt abbot of Selkirk, and that he returned

sanctity, and settled them in an abbey at Selkirk; assigning them an ample provision of lands and revenues, and conferring on the abbot the dignity of his chaplain. These monks, soon after his accession to the throne, by the advice of John bishop of Galsgow, and his religious nobles, he removed to Roxburgh, a situation far more pleasant and commodious; and on the 2d of May 1128, he founded for them a magnificent church at Kelso, dedicated to the Virgin Mary and St. John the Evangelist *. He made also great additions to the former endowments of this monastery, and procured for it from the bishop of St. Andrews, within whose diocese Kelso *then lay*, though afterwards it belonged to the see of Glasgow, an ample grant of immunity from tolls and services, with leave to the abbot and monks to receive ordination, and the other sacraments of the church, from any bishop they pleased in Scotia or Cumbria †. David I. K. of Scotland.

The application given by David to the works of devotion and arts of peace, was disturbed both by intestine commotions in his own kingdom, and by a war in which he became engaged with England. Two years after the foundation of Kelso abbey, there was an insurrection in Murray, which was quelled by the slaughter of Angus earl of that province and his followers. Some time after, David's arms were no less successful against Malcolm Macheth, who falsely pretended to be the son of Angus; and being taken, was imprisoned Chr. Mail. A. D. 1134. Ford. l. 7. c. 2.

returned to his own country to succeed Bernard first abbot of Tirone, who died in 1115; and that Ralph dying soon after, was succeeded at Tirone by William, who had been formerly successor to him as abbot of Selkirk. Herbert succeeded William at Selkirk; and was the third abbot of Selkirk and first of Kelso; the monastery being translated to Kelso by David in 1126, and the church founded two years after the translation. So Ford. l. 5. c. 36. Perhaps David, in importing this colony of French monks, consulted the advancement of the arts as well as of religion, among his rude subjects. For Bernard the founder of this order would have all sorts of handicrafts practised in his monastery; as well to banish idleness the mother of all vices, as to procure necessaries for the support of life. Accordingly, there were painters, carvers, joiners, smiths, masons, vine-dressers, and husbandmen, who were under the command of an elder; and what they earned was put into the common stock, for the maintenance of the religious men. Stevens; from Hist. des Ord. Monast. vol. vi. p. 115. There were five other religious houses in Scotland of this order of Tirone; Lismahago, Kilwinning, Aberbrothick, Fyvie, and Lindores. The three first and the last of them were planted with monks from Kelso, and they were all very considerable: the fourth was a cell of Aberbrothick: Lismahago and Kilwinning were founded in the time of David; the former by the king himself, the latter by Marville his constable; both in the year 1140, Spotsw. Relig. Houses.

* These were the protectors whom Robert d'Arbrissel chose for his nuns and monks, being led to make this connexion by our Saviour's dying words to his mother and the beloved disciple, John xix. 26, 27. and, in honour of the blessed Virgin, subjected both his monks and nuns to the government of an abbess. Steven, vol. ii. p. 249.

† The mention made of a bishop or bishops in Cumbria, in the authentic deed from which this account is taken, seems to favour the opinion that there was an ancient kingdom of the Britons, called Cambria or Cumbria, in the western parts of Scotland. David was certainly at this time not possessed of the county of Cumberland in England, and there was no bishop at Carlisle till five years after, A. D. 1133; so that the only bishop that could be here meant was the bishop of Glasgow, the whole, or some considerable part of whose diocese, seems to have been comprehended in the Cumbria here mentioned. Innes's Crit. Essay, vol. i. p. 33. App. to Sir J. Dalr. Hist. Coll. No. 1.

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Stephen, K. of England.

A. D. 1135. in the tower of Roxburgh *. But these were little affairs, when compared to the war with England, which arose on the death of David's brother-in-law Henry I.

Henry having lost (in 1120) by a miserable shipwreck, his only son William, born to him of David's sister, and having no issue by a second wife, resolved to settle the succession to his crown on his daughter Maud, his only remaining legitimate child. She had been married to the emperor Henry V. and acquired by that marriage the title of *Empress:* but having borne no children to

A. D. 1125. the emperor, she returned, after his death, to her father's court. In order to secure her succession to his throne, Henry, as was above related, required and obtained an oath from all his barons; soon after which, he gave her in marriage to Geoffry Plantagenet, son of Fulk Count of Anjou. The oath

A. D. 1133. just mentioned was renewed three years after her marriage; and again, on the birth of her eldest son, when it was taken to the Empress and the heirs of her body. But, notwithstanding these precautions, Stephen, count of Boulogne, nephew to the late king by his sister Adela, availing himself of his own nearness to England, the absence of Maud from it, and of the powerful interest which himself and his brother the bishop of Winchester had in that kingdom, did, in breach of his repeated oaths, seize the vacant throne, and was crown-

A. D. 1135. ed king of England three weeks after Henry's death. David king of Scotland was filled with indignation at Stephen's proceedings, and revering his oath, and being determined to support the rights of his niece, did immediately, on receiving intelligence of Stephen's usurpation, enter the parts of England nearest to him; where having seized the chief places of strength, he ob-

Ric. Hag. c. 312. Chron. Mailr. liged the principal inhabitants to swear fidelity to the Empress as their queen, and to give hostages for insuring it. The places he took were Carlisle, *Wark* †, Alnwick, Norham, and Newcastle. These, together with Bamburgh, which he

A. D. 1136. was not able to reduce, were the chief fortresses near the northern frontier of England. He proposed also to have taken Durham; but Stephen coming thither in the beginning of February, with a great army, put a stop to David's farther progress. Stephen continuing fifteen days at Durham, while David's head-quarters were at Newcastle, a treaty was concluded between them. By this it was agreed, that Henry, David's son, should swear that fealty to Stephen which David himself refused, as being inconsistent with the oath he had taken to the Empress. David also agreed to restore the places he had seized in Northumberland, with the hostages; while Stephen yielded to Henry the city of Carlisle, and also Doncaster ‡, with the dependencies of both, as an addition to his father's earldom of Huntingdon, the right of David to which earldom was also ratified. Stephen farther engaged, that if he should resolve to confer on any person the earldom of Northumberland, he would cause the claim derived

* In the same year, the church of St. James at Roxburgh was dedicated 17th of April. Chr. Mailr. On part of the scite of the ancient Roxburgh, a fair is still held, called *St. James's Fair.*

† Carrum, which the English, says Richard of Hexham, call Werk.

‡ Doncaster is mentioned by John and Richard of Hexham: but Lord Lyttelton prefers Huntingdon's account, who only mentions Carlisle. Yet it would seem that the credit of those abbots of Hexham is better than that of Huntingdon, for they were contemporaries as well as he, and their accounts of David's affairs are far more particular than Huntingdon's. Lyt. i. 506.

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by Henry from his mother *, to be heard and fairly tried before his own judges. Henry, in quality of a principal vassal of Stephen, attended his court at the ensuing feast of Easter; where he was entertained with much kindness, and placed at table on the king's right hand. But this preference gave so much offence to the archbishop of Canterbury and others of the English nobles, that they could not forbear insulting Henry in the king's presence; in resentment of which behaviour, David would not suffer his son, though frequently summoned, to return any more to Stephen's court.

David I. K. of Scotland.

John Hag.

In this same year, David, still intent on his favourite works of piety, and on civilizing and adorning that part of his dominions where he seems usually to have resided, founded the new monastery of Mailros †; for which he chose a situation about a mile farther up the river Tweed than that of the ancient one, which had for a long time been deserted and desolate. He built this new fabric with great magnificence, endowed it with ample possessions, and planted it with a colony of monks of the Cistertian order, which he brought from Rievalle, an abbey of these monks in Yorkshire, that had been founded only four years before ‡. This order was at that time of about forty years standing in France, and was raised to high reputation by the great talents and zeal of Bernard abbot of Clairvaux; who was David's cotemporary, and it said to have founded 160 houses of Cistertian monks. The habit of these monks was white; they honoured the blessed Virgin as their peculiar patroness, and their institutes revived all the austerities of the ancient rule of Benedict; which, being for a while strictly observed, gained them great veneration. The first abbot of Mailros, after its restoration, was

A. D. 1136.

Chron. Mailr. John Hag. c. 257.

* David received in marriage from Henry I. of England his brother-in-law, Maud the eldeſt daughter of the celebrated Waltheof earl of Northumberland, by Judith, the Conqueror's niece. Maud had been married before to Simon St Liz, to whom the Conqueror had given the earldom of Northampton, having taken it from Judith, Waltheof's widow, as a puniſhment of her refuſing, at his deſire to marry the abovementioned Simon, becauſe he was lame of one of his legs. But Simon, though rejected by the mother, obtained in marriage her eldeſt daughter; and received with her the earldom of Huntingdon, which the king had alſo taken from Judith. The earldom of Northampton deſcended to Simon's eldeſt ſon of the ſame name; but David, on marrying Maud, received with her from Henry the earldom of Huntingdon; and this earldom was now delivered by Stephen to Henry, David's ſon, who ſwore fealty for it to Stephen at York. Ingulph. fol. 15. Brompton, Dugdale's Peerage, vol. i. p. 58.

† This date is recorded in an old monkiſh rhyme:

*Anno milleno centeno ter quoque deno,*
*Et ſexto Chriſti Melros fundata fuiſti.* Ford. l. 5. c. 43.

The church of this convent having been ten years in building, was dedicated to St. Mary 28th July, 1146. Chron. Mailr.

‡ Walter Eſpec, a great Engliſh Baron, had received theſe monks from St. Bernard, and placed them in a deſart called Blackoumor, on the ſide of the Rie, whence their monaſtery was called Rievaula, Joh. Hag. Ailr. Abb. Riev. c. 338. Dec. Scr. Rie is a river in the North Riding of Yorkſhire, running into the Derwent. The valley through which it runs, near its ſource, is called Riedale. The abbey of Rievalle ſtood near Helmſley, almoſt north from York. There ſtill remain fine ruins of it.

The ſhort Chronicle of ancient Scottiſh kings, publiſhed by Father Innes in his Appendix, No. 4. ſays, that David was fond of the church of Mailros more than of all his other pious erections; taking it under his particular protection, and adorning it with rich donatives, *Melroſſenſem præcipue inter omnes eccleſias et fideliter defenſabat et dulciter diligebat.* Inn. p. 794, 606.

Richard,

Stephen: K. of England.

Richard, who died at St. Bernard's abbey of Clairvaux, being esteemed by many a saint. His successor was Waltheve, the son of David's queen, by her first husband Simon St. Liz; whose reputation of sanctity was so high, that he was cannonized after his death.

The magnificent erections David was making in places so near the march with England, did probably render him more earnest to make good the claim which his son Henry had, by his mother, to the earldom of Northumberland. There was no probability of obtaining this from Stephen in the way which this king, only with a view to amuse, had proposed. Wherefore, David seizing the opportunity of the * absence of Stephen, who had passed over to Normandy in the beginning of Lent, assembled after Easter his forces, to invade Northumberland. But a great number of the English earls and barons led their men to Newcastle, for the defence of their country, and Thurstin, archbishop of York, then very old, coming to † Roxburgh, to confer with David and his son Henry, persuaded them to agree to a truce, until Stephen's return from Normandy. On the arrival of Stephen in England, in the month of December following, David sent ambassadors to him, demanding the surrender of Northumberland to his son Henry, which Stephen having refused, war immediately ensued.

John Hag. Cont. Sim. Dun. c. 259. Ric. Hag. Geſt. Reg. Step. and Bel. Stand. c. 315.

David having resolved to lose no time in prosecuting the reduction of Northumberland, to which he was encouraged by the hope of an insurrection, and the intelligence he had in that province with the friends of Maud; and availing himself of the winter season, of his own vicinity to the scene of action, and Stephen's great distance from it, sent his nephew, William, the son of Duncan, once king of Scots, with part of his army against the castle of Wark. This place being but a few miles distant from Roxburgh, William suddenly invested it, in a morning before the dawn ‡. David and his son soon followed with more numerous forces, together with *the engines* employed, in those days, in sieges; and with great vigour carried on their approaches and assaults for three weeks. But a defence no less vigorous was made by the garrison, under the command of Jordan de Bussis, the nephew of Walter d'Espec §, who was then lord of Wark. The besiegers were in all their

A. D. 1138.

Jan. 10. Baliſtis et aliis machinis, Ric. Hag. John Hag. c. 261.

* Ordericus Vitalis relates, that in Stephen's abſence a plot was laid by the Engliſh to maſſacre all the Normans in England, and to deliver the kingdom to David king of Scotland, who was the neareſt heir of the Saxon line. But no other ancient writer mentions this plot; nor doth it appear from the ſtory told by Odericus, that the king of Scotland was privy to this deſign. Order. Vit. l. 13. p. 912. Lyt. l. 507.

† To the caſtle of Marchmont, viz. Roxburgh. Ford. l. 5. c. 42.

‡ Richard ſays, *antelucanis inſidiis invaſit caſtellum quod Carrum dicitur.*

§ Walter d'Eſpec had great eſtates in Yorkſhire, and was the founder of the abbey of Rievalle; to which latter circumſtance may be aſcribed the particular deſcription and encomium of Walter, given by Ethelred or Ailred, ſecond abbot of Rievalle, an elegant and ſpirited writer, in his hiſtory of the battle of the Standard. Walter d'Eſpec is there repreſented as a perſon of the firſt eminence and eſteem in the Engliſh army, and as haranguing them before the battle, from the carriage in which the famous Standard was erected. Part of Ailred's account of him is in the following words: *Vir ſenex et plenus dierum, acer ingenio, in conſiliis prudens, in bello amicitiam ſociis, fidem ſemper regibus ſervans. Erat ei ſtatura ingens, membra omnia tantæ magnitudinis, ut nec modum excederent, et tantæ proceritati congruerent. Capili nigra, barba prolixa, frons patens et libera, oculi grandes*

David I. K. of Scotland. 1138.

their attacks bravely repelled, the king's standard-bearer and many of his soldiers slain, and a much greater number of them wounded. David obliged by this resistance to raise the siege, having sent his nephew William before him, and following speedily with the rest of his army, entered Northumberland on its western border; and his army*, whereof a great part was undisciplined and barbarous, ravaged and desolated with the fiercest cruelty most of the inland parts of the province, as far as the Tyne. To oppose these invaders, Stephen, at the head of a numerous army of horse and foot, arrived at Wark about Candlemas; and David hearing of his approach, abandoned Northumberland, in order to defend his own territories. The Scottish king declining to encounter Stephen in the field, hoped to prevail against him by drawing him into a snare. With this view, he retired with his army to a place not far from Roxburgh, environed by a great pool or marsh, and only accessible by one narrow passage. At the same sime, he gave directions to the garrison of Roxburgh to give up the place to Stephen, immediately on his appearing before it; and to gain his confidence by a show of joy and affection. Hoping that Stephen would in this manner be rendered secure, he purposed to come upon him by night, and with the concurrence of the townsmen and of some of Stephen's own nobles, with whom David secretly corresponded, he made no doubt of destroying at once the English king and all who stood in his defence. Stephen having discovered this plot, came not to Roxburgh, but, after having burnt and ravaged some part of the Scottish territories on the eastern border, returned hastily to England †. Eustace Fitz-John, a powerful baron, who held the castle of Bamburgh, together with those of Alnwick and of Malton in Yorkshire, and who had at this time fallen under Stephen's suspicion or displeasure, was compelled to deliver up to him the first mentioned of these fortresses.

Ric. Hag. c. 326. Ailr. Bel. Stand. c. 318. Ord. Vit.

David encouraged by Stephen's retreat, and acting now in concert with the earl of Gloucester, who had openly revolted against Stephen, did again enter Northumberland after Easter; and laid waste that part of the province which lies towards the sea-coast, and had escaped the ravages of the preceding winter. He committed the like depredations in the eastern part of the county of Durham; and was not far from that city, when a sedition arising in his army about a woman, and also a sudden panic, from the rumour of the approach of enemies, he returned with precipitation towards his own kingdom; but stopping on the frontier, he laid siege to the castle of Norham. This castle had a good wall, a very strong tower, and abundance of provisions; and for a while the garrison made a gallant defence. But the soldiers in it being few in

Lyt. Hen. II. i. 187. Joh. Hag. Cont. Sim Dun. c. 261, 262. Ric. Hag. c. 317, 318, 319.

*grandes et perspicaces facies amplissima, tractitia tamen, vox tubæ similis, facundiam quæ ei facilis erat, quadam soni majestate componens.* Dec. Scr. c. 337, 338.

* *Iste nefandus exercitus*, says Ric. Hag. consisted *de Normannis Germanis, Anglis, de Northymbranis et Cumbris de Tefwetadala et Lodonea, de Pictis qui vulgo Gallewecenses dicuntur, et Scottis*, c. 316.

† Besides Stephen's suspicion of his barons, Richard of Hexham gives as reasons of his hasty return, the refusal of many of his own soldiers to wage war in the time of Lent; the Scots declining a battle; and a great scarcity of provisions in the English army. Ric. Hag c. 317.

Stephen. K. of England. 1138.

number *, unexperienced in sieges, and without hopes of succour from their bishop; some of them also being wounded: they surrendered the place sooner, as was thought, than necessity required, and were suffered to retire to Durham. David then proposed to the bishop †, that he should abandon Stephen, and swear fealty to the Empress; offering, on these terms, to restore to him his castle, and repair the damages he had done him by the siege. But the bishop refusing the conditions, David caused his town and fortress to be destroyed.

While David besieged Norham, he sent part of his army on an expedition into Yorkshire, under the command of his courageous nephew William ‡; who, penetrating through the western parts of that province, defeated an army of English at Clitherow on the borders of Westmoreland. During the siege of Norham, the garrison of Wark seized some carriages laden with provisions, in their way to the Scottish army, and carried them, together with their conductors, into the castle. The same garrison had also sallied forth on prince Henry and a party attending him; several of whom they killed, wounded, or made prisoners. David incensed by these affronts, and desirous to free himself from so offensive a neighbourhood, renewed his siege of Wark, after he had demolished Norham; but though he carried on his attacks with the utmost vigour, employing in them all his engines, his success was no better that it had been in the preceding winter; and the loss he sustained of men, killed and wounded, was very considerable. So fierce and obstinate a resistance determined him to convert the siege into a blockade; the care of which he committed to two of his thanes § or barons; and set out himself, in the beginning of harvest, on a new expedition into Yorkshire.

June 9th.

Ric. Hag. c. 319.

In this expedition, David was openly joined by Eustace Fitz-John, ‖ lord of Alnwick, and all his dependants. It is probable that Fitz-John's hope or desire of recovering his castle of Bamburgh, was the cause of the Scottish army marching first towards that place. But, instead of gaining the castle, they were only able to force a wall that had been lately built before it;

* Richard of Hexham says, there were only nine knights in the castle; who, after it was taken, retired to Durham, with their men (*cum suis.*)

† The bishop of Durham at that time was Geoffry surnamed *the Red*, who had been Chancellor to king Henry I. and after the see had been vacant five years was elected to it, and consecrated at York by archbishop Thurstin August 6, 1133. Sim. Dun. Contin. c. 62. Whart. Aug. Sac.

‡ *Willielmum filium Duncan nepotem suum—ad Eboracensem seyram transmisit.* These are the words of Ric. Hag. Lord Lyttleton, by inattention, calls once and again William, *the son of his* (David's) *nephew Duncan.*

§ *Duobus tegnionibus, id est, baronibus.* Ric. Hag.

‖ Richard of Hexham calls the castle of Alnwick *munitissimum castellum.* The abbot of Rievalle says, that this Eustace was a wise statesman, and in great favour with the late king Henry; but had abandoned Stephen, because, being contrary to the manner of his country, seized by that prince while attending his court, he was compelled to restore the castles which Henry had committed to him; to be avenged of which injury, he had openly joined Stephen's enemies. Ethelr. Riev. p. 343. Eustace Fitz-John had acquired the baronies and castles of Alnwick and Malton, by marrying Beatrix the daughter of Ivo de Vesey, who was a Norman knight that accompanied the Conqueror to England, and received from him the above named possessions, together with the daughter of William Tyson, who had formerly held them. Dugd. Monast. Angl. vol. ii. p. 591.

and

and which they were provoked to attack by the petulant speeches of certain young men within it, of whom almost a hundred were killed. Having destroyed the corn in the neighbourhood of the castle, and afterwards in the other places through which they marched, they advanced into the county of Durham, and were joined there by the men of Galloway, Cumberland, and Carlisle. By these additions, the Scottish army was augmented to more than 26,000, and David, at the head of it, pursued his march into Yorkshire: but being met near North Allerton by a much smaller number, consisting chiefly of the nobles and men of the province, animated to the defence of their country by Thurstin their aged archbishop, the invading army was totally routed *, with great slaughter, and David compelled to retreat to Carlisle; where, on the third day after, his son prince Henry, narrowly escap-

David I. K. of Scotland 1138.

August. 22.

* This is the battle so much celebrated by the old English historians under the name of *Bellam Standardi*. The mast of a ship, having on its top a cross, wherein was the consecrated host in a silver pix, and the banners of St. Peter, St. John of Beverly, and St. Wilfrid of Rippon, waving below it, was erected on the beam of a vast chariot. Around this standard, and some of them upon the carriage on which it stood, were placed the more aged of the English Barons, and with these Roger de Moubrai, the infant earl of Northumberland. Roger was the son of Negel de Albinei, who at the battle of Tinchebrai in Normandy took duke Robert prisoner; for which and other great services, king Henry rewarded him by a gift of the lands of Robert de Moubrai earl of Northumberland, which had been forfeited on account of Moubrai's rebellion against William Rufus, as was above related. His presence drew around him all his vassals (*a*), who made no inconsiderable part of the English army. Immediately before the battle, Ralph bishop of the Orkneys, deputed by the aged and infirm Thurstin, having assured the army that by fighting bravely they would purchase the remission of their sins; did, on receiving from them expressions of contrition, actually pronounce their absolution, joining to it his benediction. At the same time, the priests, in their white vestments, carrying crosses and relics, went among the ranks, encouraging the soldiers by their exhortations and prayers. These pious arts were acompanied with a wise arrangement of the English warriors, adapted to sustain and repel the first fierce onset of their enemies. The abbot of Rievalle relates, that David was hindered from making the disposition he intended by the obstinancy of the Galloway-men, who claimed it as their right to fight in the van; a station which David and his best officers perceived they were not fit for, on account of their wanting heavy armour, such as was borne by those who stood in the first rank of the English army. The king, however, fearing sedition at a time when it might have proved so fatal, was obliged to grant the Galwegians their request. The next line was commanded by prince Henry, consisting as Ailred says, of knights and archers, or according to Huntingdon, of English and Norman horsemen, who belonged to his father's household (*b*), and with them the men of Cumberland and Tiviotdale. In this division was also Eustace Fitz-John. The third line consisted of the Laodonians with the islanders and Lavernans (*c*). The king had in his own line the Scots and *Murray-men*, and for his body-guard a band of English and French knights. Robert Brus and Bernad Baliol, both of whom, besides the great estates they possessed in England, did also hold lands of the Scottish king, went to him before the battle, and endeavoured to persuade him to retire, assuring him that Northumberland should be delivered to his son Henry; but not being able to prevail, they renounced their fealty to David, and returned to fight under the English standard. Ric. Hag. Ailr. Abb. Riev. c. 342.

Mon. Angl. 2. 193. 1. 128. Gemitiè, 296. Dugd. Baronage.

Muranensis.

(*a*) *Cum quo universa suæ terræ militia quæ profecto nec sapientia, nec virtute, nec numeris cæteris videbatur inferior, cum tanta devotione convenit, ut minor ætas domini sui nullum exercitui videretur afferre dispendium.* Ailr. Rievalle.

(*b*) Lord Littleton has combined these two accounts. "His second line, (says he,) commanded by the young prince of Scotland, was composed of the Cumbrian and Tweedale militia, strengthened by English archers and cavalry of the king's household, and by some under the conduct of the Lord Eustace Fitz-John, who also joined this division." Lord Littleton's Tweedale militia should have been Tiviotdale, *adjunctis sibi Cumbrensibus et Tevidalensibus*. Ailr.

(*c*) Who these Lavernani were, Sir James Dalrymple says, he knows not.

Stephen, K. of England. 1138. Ric. Hag. p. 322, 323.

ing the pursuit of his enemies, did also arrive. The remains of David's broken army, in their flight homewards, were miserably slaughtered by the English, in revenge of the horrid barbarities they had committed in their late inroads. Parties too of the different people of which that army was made up, furiously quarrelling wherever they met, increased the calamity and destruction: David, vexed at their behaviour, is said to have punished many of them severely, and to have exacted from them heavy fines. He also bound them more strictly, by oaths and hostages, never afterwards to desert him in battle.

Sept. 25th. Ric. Hag. c. 324.

About a month after David's arrival at Carlisle, Alberic bishop of Ostia, legate *a latere* from pope Innocent II. to the kingdoms of England and Scotland, came to that city. He was received with the greatest demonstrations of respect by the king himself, and by the bishops, abbots, and priors, who attended him; and remained with him three days, employed in the business of his legation. Being informed, that John bishop of Glasgow had secretly, and without leave, or any evident necessity, withdrawn from his see, and having passed over to France, had become a monk at Tirone; the legate ordained, that he should be called home by letters from himself and the king, and if he refused to return, should undergo the sentence he deserved for his desertion. The legate also employed his most earnest solicitations with David, to engage him to make peace with the English king; and obtained his promise, to cease from all hostilities, until the ensuing martinmas, except in carrying on the siege of Wark. He was also at pains to teach the more barbarous part of David's subjects, to wage war with greater humanity, and prevailed with them to bring back to Carlisle, and set free, before the expiration of the truce just mentioned, all the women they had made captives in their late inroads. He also obtained an engagement from the whole Scottish army, that in future incursions they would abstain from violating the churches, and would also spare women, children, and the aged.

Ric. Hag. c. 326.

The Scottish king not having been pursued by the conquerors, nor disturbed in collecting and reinforcing the remains of his army, soon after his arrival on the border, commanded the siege of Wark to be resumed. In this, new machines were employed, and trial made of various arts. But the besieged by their machines broke those of the assailants: they also slew and wounded many of the besiegers, with the loss of only one of their own knights; who having rashly sallied from the castle and persisted obstinately in his efforts to destroy one of the enemy's machines, was overpowered and slain by the Scots. The king therefore being informed of the unavailing loss of his men, did again order a cessation from attacks, and, instead of them, a strait blockade to be maintained. A few days after the departure of the legate, David was advertised that the garrison of Wark was reduced to an extreme scarcity of provisions. This information produced new orders from the king to carry on the blockade in the strictest manner. The garrison had killed and salted their horses for food, and when these were almost consumed, they abated nothing of their courage in defending the place; and had resolved, on a total failure of their provisions, to sally forth, and fight their way through their enemies. Walter Espec their lord, learning their desperate situation, and unwilling

unwilling wholly to lose so brave a band of men, sent to them about Martinmas, William abbot of Rievalle, with his positive commands to deliver the place to the king of Scotland. The same abbot negotiated the terms of a capitulation with that king; who made them a present of twenty-four horses, and allowed them to depart with their arms; after which he ordered the castle to be demolished. David I. K. of Scotland. 1138.

The legate returning from Carlisle to the English court, continued his assiduity in mediating peace between the kings. In this work he was powerfully aided by Stephen's queen, who animated by a warm affection to her uncle and cousin, ceased not from importuning her husband*, until she effected a reconciliation. The conditions of the peace were, that Stephen should yield to Henry, besides what he already possessed in England, the earldom of Northumberland, excepting the two towns of Newcastle and Bamburgh, which Stephen was to retain; but, as a compensation for these, prince Henry was to receive possessions of equal value in the south of England. It was also agreed and ordered by Stephen, that all the barons belonging to the earldom of Northumberland, who were willing to submit to prince Henry, should recognize their lands as held of him, and pay him homage, saving the fealty they had sworn to the English king; which most of them accordingly did. The king of Scotland and his son engaged, during their lives, to keep peace with Stephen, and be faithful to him; and to give as hostages for their fidelity the sons of five earls † of Scotland. The laws and customs which Henry I. late king of England had established in Northumberland were to remain in full force. This treaty was confirmed in April, at Durham, by prince Henry, and by the barons depending on his father and himself, in the presence of Maud queen of England, and several barons of the Southern counties, who did on this occasion attend her. By particular exceptions made in the treaty, the power of Henry was not to extend to the lands of St. Cuthbert, nor to those of St. Andrew in Hexhamshire. Henry going southward with the English queen, found Stephen at Nottingham; and obtained his ratification of every thing concluded at Durham. Stephen, during the transactions above related, had been employed in opposing various insurrections in different parts of England; and this work still continuing, he was aided, in the course of the summer by Henry ‡, who bravely hazarded his person and expended much money in the king's service.

Ric. Hag. c. 328, 329.

Ric. Hag. c. 330.

A. D. 1139. April 10th.

The remainder of Stephen's reign was a series of wars with his barons and prelates, very little interrupted; and which spread desolation over the greatest part of England. This monarch had boldness enough to irritate and to combat his vassals; but he had not sufficient wisdom to manage them, nor

* *Fœminei pectoris, ardor vinci nescius, quibuscunque potuit modis nocte ac die stimulando non destitit, donec regium animum ad suam voluntatem detorsit.* Ric. Hag.

† These earls (according to Ric. Hag.) were Cospatrick earl of March, Hugh de Morville, Fergus, Mel, and Mac.

‡ Stephen going from Nottingham to besiege the castle of Ludlow, held out against him by a baron called Poynel, was accompanied by Henry, who being pulled from his horse by an hooked engine of the besieged, and in imminent hazard of being made prisoner, was bravely rescued by Stephen. Hoved. Henr. Hunt.

good

Stephen, K. of England. 1139.

good faith and consistency of conduct to acquire their confidence. Besides other concessions in the beginning of his reign, which were only meant to win them to submit to his usurpation, he committed a fatal error, in allowing them to fortify their castles; which, in the commotions that followed, became so many centers of rebellion and rapine, and places of refuge for all manner of crimes. The northern provinces, subject to the Scottish king and his son, appear to have enjoyed quiet, during the greatest part of those troubles * Earl Henry is not mentioned in the history of these wars, after the transactions last related. His father David, two years after them, when Stephen had been made prisoner, and the empress Maud seemed to be settled secure on the throne, went to the south of England, to visit her and assist her with his counsels. But she indulging her pride, and contemning all moderate and gentle measures, was forced to fly from London, and was soon after besieged by the party of Stephen in the castle of Winchester, where David was shut up along with her. After being reduced there to the last extremities they made their escape by a desperate effort; and David, with much difficulty, regained his own kingdom.

A. D. 1141.

This excellent prince seems to have employed all the remainder of his reign in the works of piety, and in promoting the † civilization and happiness of his

Ford. l. 5. c. 49, 52, 53.

* That of the bishopric or county of Durham was considerably interrupted by the attempt of William Cuming, a clerk and David's chancellor, to be elected bishop, in room of Geoffry, who died A. D. 1140; with which view, having seized the castle of Durham (*a*), he gained to his side most of the barons of the bishopric, and was also favoured and supported by David, as keeper of the bishopric for his niece the Empress. William de Sta. Barbara, archdeacon of York, being elected at York by a part of the Durham monks, who had made their way thither; and his election being confirmed by the papal legate (king Stephen's brother bishop of Winchester), after he and his friends had suffered from Cuming much opposition and persecution, which obliged him for a while to retire to the Holy Island, did at last obtain quiet possession of the bishopric, and was installed in the cathedral 18th of October 1144, after Cuming had held the castle more than four years. Whart. Ang. Sac. vol. i. 710,—717. Sim. Hist. Dun. Ecc. 63, 64, 65, 66.

† David is represented by Fordun, (copying Ailred or Baldred, as he calls him,) as cultivating and encouraging every art that tended to tame and polish his subjects. In particular he speaks of his attention to his gardens, buildings, and orchards, (*hortis, ædificiis, et pomariis,*) that he might engage his people by his example to the like pursuits. Ford. l. 5. c. 49. In c. 52, he represents him as employing some part of his time, even in the last year of his life, either in planting herbs or grafting shoots (*aut herbis plantandis, aut furculis a sua radice excisis alieno trunco inserendis operam dabat*). In c. 53. he mentions the improvements made by him in agriculture; so that a country formerly indigent and barren, was now able, out of its abundance, to supply the necessities of its neighbours. He also celebrates the towns and castles which David had raised, the foreign commodities he had introduced by commerce, and the improvements thence made in the apparel and dress of his subjects; their hairy cloaks (*pallia pilosa*) changed into rich garments, their former nakedness covered with purple and fine linen (*purpura et bisso*). Lastly he celebrates the improvement made in their morals, by teaching them the chastity of marriage, of which they were almost wholly ignorant, and would not observe when they had entered into that relation, (*pudicitiam conjugalem quem ferme nesciebas* (Ailred addresses himself to Scotia) *immo initam servare nolebas,*) forming their clergy to a more regular life, and teaching his people, both by instruction and example, to frequent the church and holy rites, (*sacrificiis interresse divinis,*) and to pay to priests the offerings and tythes that were due. The lamentation of Ailred, given by Fordun, seems, from the uniformity of its style, to have come all from one hand. It contains all that is in Ailred's work in the Dec. Scr. except a few sentences; but has three or four times more than what is published there.

(*a*) Fordun says, that Cuming entered the castle *per dationem imperatricis.*

people,

people, by enacting good laws, dispensing justice, and cultivating elegant and useful arts. Besides the seminaries of monks already mentioned at Kelso and Mailros, he either founded or restored a monastery at Jedburgh, and peopled it with Canons Regular of the order of St. Austin, brought over from Beauvais in France, where they had been established by Ivo of Chartres, in a monastery dedicated to St. Quintin. He also erected a convent of Cistertian nuns in the neighbourhood of Berwick upon Tweed; on which four less considerable nunneries did afterwards depend, as cells. These were the nunneries of St. Bothans and Trefontan, situated among the hills of Lammermuir in the Mers, a few miles north east from Dunse; and of Elbottle and Gulan in the county of East Lothian, on the side of the Frith of Forth. The nunneries of Trefontan and Gulan are said to have been founded by David himself; that of St. Bothans by Eufemia countess of March, in the reign of William the Lyon; but the founder of the Elbottle nunnery is not known. Moved by the example of a prince so much loved and revered, several of the Scottish nobles bestowed part of their estates in the like erections. In particular, the Constable Hugh de Moreville built the monastery of Dryburgh *, pleasantly situated a little below Mailros, on the opposite side of the river Tweed; and filled it with monks called *Praemonstratenses*, an order that had been founded about thirty years before by Norbert archbishop of Magdeburgh. This order took its name from *Praemonstratum*, that is, *a place marked out by heaven;* for this the name was meant to express, being the place where their chief monastery in France was built. It was otherwise called the *White Order*, from the habit of the monks being entirely white. Besides these, situated within the scene of our history, there were various other houses of Religious erected either by the king or his subjects in different parts of Scotland †. The province also of earl Henry had its share in this fashionable piety; a convent of *Praemonstratenses* having been founded at Alnwick by Eustace Fitz-John ‡, lord of that place, two years before the monks of the same order came to Dryburgh.

David I. K. of Scotland. 1141.

Sir J. Dalr. Coll. p. 267.

Ford. l. 5. c. 48.

Spotfw. Rel. Houſes. p. 281. Menol. Ciſt. per Henriquez, ap. Dugd. Mon

Chron. Mailr.

But

* This account of the foundation of Dryburgh doth not agree with a charter of king David, publiſhed by Dugdale, under the article of *Cænobia Scotica*, at the end of the ſecond volume of his Monaſticon, and ſaid to have been copied from the original by Sir John Balfour. David ſays in this charter, that he himſelf founded the church of St. Mary at Dryburgh, and granted *fratribus canonicis ibidem Deo ſervientibus* the church of Dryburgh with its chapels, tythes, &c. The *fratres canonici* have not here the title given them of *Pramonſtrateurs;* but we find theſe two deſignations joined by Fordun, or rather Ailed of Rievalle, in ſpeaking of this ſubject of David's religious foundations; for among theſe, he recites *Canonicos Præmonſtratenſes* of Newcaſtle. They were vulgarly, ſays Stevens, called *White Canons*. The firſt abbot of Dryburgh was Roger.

Ford. l. 5. c. 48.

† The other convents erected by David were thoſe of Holy-rood-Houſe, Cambuſkenneth, Leſmahago, Holmcultram, Dundrennan, Newbottle, Kinloſs, and Machline for monks; and two for nuns, one of which he is ſaid to have erected at Carliſle and another at Newcaſtle. In the city laſt named, he is alſo ſaid by Fordun to have erected a convent for Præmoſtratenſes Canons, and another for Black Monks. He alſo increaſed the number of Scottiſh biſhoprics from four to nine. The biſhoprics he founded, in the beginning of his reign, were St. Andrews, Glaſgow, Murthlach (afterwards Aberdeen,) and Murray, to which he added thoſe of Dunkeld, Brechin, Dumblane, Roſs, and Caithneſs. Sir J. Dalr. Coll. p. 245, &c Ford. l. 5. c. 48.

‡ The charter of foundation included in a confirmatory charter of Henry Percy, earl of Northumberland is addreſſed to William, *(de Sta. Barbara)* biſhop of Durham. Among the ſouls for

Stephen, K. of England. 1141.

But David did not content himself with the establishment of these societies, which were then regarded as the chief seats and seminaries of religion and piety; and where indeed were preserved and taught all the science and learning then existing, profane as well as sacred. He appears to have been equally attentive to establish and regulate civil communities, for carrying on commerce and manufactures, by which he at once augmented his revenues and increased his power; the numerous and wealthy bodies of men incorporated by royal charters in cities and burghs, yielding a powerful aid to the sovereign, both in foreign wars, and against the turbulence and rebellion of overgrown vassals, so common in all the feudal kingdoms. It was in the time of David, that Louis le Gros introduced these establishments into France. And it is related, in some of the ancient copies of the old Scottish laws, that David framed his burgh laws, from the information of certain learned men whom he sent to other countries, to observe the constitutions that had been there introduced. It is probable, that Berwick and Roxburgh were two of the first communities of this sort in Scotland. For in an ancient manuscript copy of the burgh-laws, which all agree in ascribing to David as their author, the title prefixed declares them to be the laws and customs of the four butghs, viz. Berwick, Roxburgh, Edinburgh, and Stirling. And a farther evidence that these were the first royal burghs, ariseth from the court held by the king's chamberlain; whose office gave him jurisdiction over all the king's burghs. This court was called *the court of the four Burghs*, and consisted of delegates from the burghs abovementioned, three or four from each burgh; who, by virtue of a summons from the chamberlain assembled once a-year at Haddington; and by this court all appeals from the courts of particular burghs were tried and finally determined.

Skene in Nom. Sign. ad fin.

Sir J. Dalr. Col. p. 221.

Reg. Maj.

A. D. 1149.

Henry, the eldest son of the empress Maud, and acknowledged by the powerful party in her interest as heir to the English throne, having attained to the age of sixteen years, was sent over from France by his father Geoffry Plantagenet, to receive according to the custom of that age, the order of knighthood from his grand uncle the king of Scots. This young prince having landed in England, was guarded through the western part of it by the great barons of that quarter of the kingdom, who were all strongly attached to him; and came to David at Carlisle. The ceremony of *knighting* * Henry was there performed with great pomp, in the presence of a numerous assembly of grandees of both nations; and Henry did at that time swear, that, on his ascending the English throne, he would confirm to David and his heirs, the possession of the territories which he and his son then held in England. Henry having continued eight months at David's court, improving himself in the arts

May 22d.

Hoved.

for whose benefit it was erected, is mentioned that of Ivo de Vesci. The Premontres Monks that came to Alnwick, according to the account in Dugdale, were the first of that order that were brought into England. And by that account, they arrived in England in 1147. But, according to Stevens, form Raynerus, these monks came first into England in 1146, where their first monastery, Newhouse in Lincolnshire, was built by Peter de Saulia, and dedicated to St. Martialis. Stev. v. ii. 145.

* David girding him with the military belt (*apud Carliolum cingulum militare acceperat, jam militaturus in hostes et sibi rebelles.* Hemingf. l. 1. c. 75.

of

of war and peace, did, about the beginning of the following year, return from Scotland by sea to Normandy. Malcolm IV. K. of Scotland.

In the third year after, the aged king and his subjects sustained the heavy loss of Henry earl of Northumberland, David's only son. This excellent prince died about Whitsunday, universally regretted for his great and good qualities; and was buried in the abbey church of Kelso *. His father is said to have borne the loss with the patience of a real saint. He survived him only a year; having, in that time, taken proper measures to secure the succession of his crown to Malcolm, the deceased prince's eldest son, and that of the earldom of Northumberland to his second son William. A. D. 1152. John Hag. Ford. l. 5. c. 43.

In the latter part of Stephen's reign, a quick succession of circumstances and events conspired to aggrandize his rival, prince Henry. On the return of that prince, from the court of king David to Normandy, his father Geoffry resigned to him the duchy of Normandy; and, by Geoffry's decease in the year following, he inherited the counties of Anjou, Touraine, and Maine. In the year after, he acquired Guienne and Poictou, by marrying Eleanor, the heiress of these dominions, who had been sixteen years the wife of Louis, sirnamed the Young, king of France; and two months after her divorce from that monarch, gave her person and vast estates to Henry. These acquisitions excited the jealousy, and provoked the hostile attacks of the French king: but the vigour and success wherewith Henry defended himself, rendered his fame equal to his good fortune. Stephen alarmed at Henry's greatness, sought to destroy his hopes in England, by procuring a settlement of the succession to his throne upon his eldest son Eustace; but this project was disappointed, chiefly by the opposition of Theobald, archbishop of Canterbury, and the other prelates of the English church. These proceedings of Stephen, and some successes he had against Henry's friends, determined this prince to pass over into England, to support his party, and assert his rights. In this enterprise he was so successful, that Stephen found himself reduced to the necessity of declaring Henry successor to his crown; which it was, at the same time, agreed that Stephen should enjoy during his life. In less than a year after this agreement, Stephen died; and Henry, with the universal consent and congratulations of his people, ascended the English throne. 1152. A. D. 1153. A. D. 1154.

One of the first cares of Henry was to re-establish the strength and revenues of his crown, by destroying, or obliging his barons to destroy, almost all the castles they had built during Stephen's reign; and by resuming the extravagant grants, which that usurper had made out of the royal demesnes. In the class of such grants, he seems to have reckoned the counties of Northumberland and Cumberland, which Stephen had yielded to David, king of Scotland, in the manner formerly related. Nor did the oath, which Henry had given to Gul. Neubr. l. 2. c. 4.

* The Chron. Stæ. Crucis says, he died, 2do. Id. Jun. i. e. June 12, Whart. Ang. Sac. vol. i. p. 161. The Chronicon Rhythmicum annexed to Fordun, the first part of which, as father Innes observes, was written in Alexander II. or III.'s time, relates the death and burial of prince Henry, in the following distich:

*Qui bello moritur de Cothon; sed sepelitur*
*In Abbatia nomine Calconia.*

Henry II. K. of England. 1154. Brompton, p. 1047.

David at Carlisle, restrain him from demanding from the Scottish regency, the restitution of these provinces, which were so considerable a part of the realm of England. The Scots had then, for the first time, a minor on the throne; whose feeble age had encouraged some of the unruly chieftains * of the North, to make insurrections, and disturb the public peace. The long tranquillity enjoyed in the latter part of David's reign, must have, in some degree, enervated the Scots; while the English were never more warlike, nor more united, nor had their force under a more wise and vigorous direction; nor had they ever a monarch so formidable by such extensive foreign dominions. These circumstances produced the restitution of Northumberland and Cumberland, without a struggle; though not without general murmurs against those who had the management of public affairs, for quietly yielding to so evident a necessity. The loss of these provinces was, in part, compensated by king Henry putting Malcolm in possession of Huntingdon †; which, after the death of Malcolm's father, earl Henry, was given by king Stephen to Simon de St. Lez, the eldest son of Maud, Henry's mother, by her first husband; and this earl Simon, who was zealously attached to Stephen, dying about the time that the treaty of peace and succession was concluded between that king and prince Henry, the earldoms of Northampton and Huntingdon descended to his son, a third Simon; from whom King Henry did now take the last of these earldoms, and deliver it to the king of Scotland.

Ford l. 8. c. 3.

Brompton, p. 975. Dugdale's Peerage, p. 59.

A. D. 1157. Hoveden, p. 491. Chron Mailr. Ford. l. 8. c. 3.

Henry, in the third year of his reign, having marched into North Wales to quell certain disturbances that had arisen in that quarter, came to Chester; and in that city Malcolm the young king of Scotland, attended him, and swore fealty to him, as his grandfather had done to Henry I. with a salvo of all his dignities. It was at this time, according to Fordun and almost all the English annalists, that he yielded to Henry the northern counties ‡; which Fordun

* These were Sumerled, lord of Argyle (Regulus Ergadiæ), and his nephews, the sons of Malcolm Macheth, whom David, in 1134, had imprisoned in the castle of Roxburgh. See above p. 77.

† *Comitatum Huntidunensem prisco jure sibi competentem.* These are the words of Gul. Neobrig. transcribed by Brompton, and several of the other annalists. The right of Malcolm arose from the possession of it by his father, and grandfather, in consequence of the grants of Henry I. and Stephen. See above p. 79.

‡ Brompton, whom Dugdale follows, Eng. Peer. v. i. p. 59, is the only ancient annalist who expressly places the restitution, or resumption of the northern counties, in the first year of Henry's reign. Hoveden, a cotemporary writer, doth not mention this event. Nor doth William of Newburgh, another cotemporary, expressly assign any date to it; although the connexion of his narrative seems to indicate its happening in the first year of Henry's reign. This author says, that Henry required the restitution of Northumberland, Cumberland, and Westmoreland, as being acquired by David, in name of the rightful heirs, his mother Maud and himself; and that he being now advanced to the English throne, the King of Scotland could have no pretence to detain them. But from what has been above related, in p. 85, it appears, that this account of the titles, by which David held these counties, in which William is copied by several of the other English annalists, is a misrepresentation. Ralph de Diceto, the Annals of Waverly, Matthew Paris, and others, make particular mention of Malcolm's restoring the city of Carlisle, the castle of Bamburgh, and Newcastle upon Tyne; and along with these places, the *Comitatis Lodonensis*. Carlisle, and the counties of Northumberland and Cumberland, which are here expressed by the *Comitatus Lodonensis*, were given up to David by the treaty concluded with Stephen in 1139. But by that treaty Stephen was to retain Newcastle and Bamburgh. Perhaps, in the course of the troubles that followed in Stephen's reign, David got possession of Newcastle and Bamburgh, and held them in the name of the

dun and the other Scottish writers ascribe to the influence of faithless and corrupted counsellors. In the following year the kings met again at Carlisle; and there so much strife arose betwixt them, probably from the murmurs of the Scots, on account of the cession of the northern provinces, that Malcolm, who had hoped at this time to receive from king Henry the honour of knighthood, did return to his own kingdom, without obtaining it. Henry also, to strengthen the frontier of Northumberland against the Scots, ordered the fortifications of the castle of Wark to be restored. But notwithstanding these animosities, Henry had the address to engage Malcolm to accompany him, the following year *, in an expedition to France, for the recovery of Tholouse; which he claimed as a part of the inheritance of Eleanor his queen. The person of the Scottish king was the best pledge that Henry could have for the good behaviour of a nation, whom he had so much irritated; during an expedition so distant, and in which he was accompanied by a great part of the strength of his own kingdom. The honour which Henry had last year refused Malcolm at Carlisle, he now conferred upon him at Tours, in France, on his return from the Tholouse expedition. But when Malcolm, in the ensuing year, came back to his own kingdom, he found his subjects greatly provoked at the attendance he had given the king of England; and this resentment proceeded to

Malcolm IV. K. of Scotland.

A. D. 1158.

Chr. Mailr. Hoveden.

A. D. 1159

A. D. 1160. Ford. Chr. Mailr.

the Empreſs; for he could claim no right to them by his treaty with Stephen, provided Stephen gave an equivalent for them in the ſouthern parts of England. But it is probable, that Henry along with theſe places, reclaimed all that was yielded by Stephen; on account of the invalidity of the deeds of that uſurper; and as to his own oath at Carliſle, he might eaſily plead the excuſe of youth and inexperience; and perhaps, when ſuch a plea ſerved his intereſt he might plead his having no right to diſmember his kingdom, without conſent of its ſtates. And though the bulk of writers place this event in the third year of Henry's reign, it ſeems more probable that he redemanded and reſumed thoſe poſſeſſions, about as early as he did the other grants that had been made by Stephen. Perhaps alſo the demands were the more readily complied with, from the aſcendant that Ada the king's mother, Walheve the abbot of Mailros, his uncle, and others of the Engliſh had then in the government of Scotland. The number and greatneſs of the Engliſh and Normans or French, then in Scotland, may be inferred from the addreſs of Malcolm's charters, where the French and Engliſh are put before the Scots and Galwegians. The ſame thing is obſervable in the charters of David. Anderſon's Dipolm. No. 22, 34; alſo, 14, 16, 18.

* In this year, 3d Auguſt, died Walheve the 2d abbot of Mailros. He was a monk in the mother monaſtery of Rievalle, when elected abbot of Mailros in 1148. King Malcolm, from his infancy held him in the higheſt reverence, and was formed and guided by his inſtructions. He was elected, in the laſt year of his life, to the biſhopric of St. Andrew's, in room of biſhop Robert; but could not, by the warmeſt ſolicitations, be prevailed with to abandon his convent, foretelling he had not long to live. In the twelfth year after his burial, May 22, 1171, his grave was opened in the preſence of Ingelram, biſhop of Glaſgow, and four abbots called thither on purpoſe: and his body was found entire, and garments unſpoilt; and after the ſolemn celebration of maſs, the biſhop and abbots, before-mentioned, with all the monks of the convent, put a new ſtone of poliſhed marble over the holy duſt: all being filled with joy, and teſtifying, by their joint acclamations, that truly this was a man of God. The monk, Joceline of Furnes, wrote the life of this celebrated abbot, in which he records ſeveral miracles performed by him. One of them was his increaſing the ſtores of corn in the granaries belonging to the monaſtery in the neighbouring villages of Eldun and Gatonſide, out of which were fed 4000 poor people for three months, without any perceivable diminution of the firſt quantity; which remained the ſame, till the enſuing crop on the ground was ready, and then began to waſte. On occaſion of the fame of this ſaint, were written the following verſes:

Chron. Mailr. Ford. l. 6. c. 25. 34.

*Melros mellita ſic eſt non fellea vita,*
*Jure vocatur ita, patre potiore potita.* Fordun, ib. c. 34.

Henry II. K. of England.

A. D. 1163.

such a height, that six of his earls * besieged him in Perth, but they were repelled; and by the interposition of the clergy, domestic peace was restored.

It is probable, that the intestine commotions raised by Malcolm's turbulent chieftains, although in part arising from his calmly yielding to the superior power of England, did drive him, for his own security, into closer connexions with his potent neighbour. For we are informed, that two years before his death, he passed into England, and paid homage at Woodstock to Henry, and to his eldest son of the same name; and that, at that time, a firm peace was concluded between the two kings. In the journey made at this time by Malcolm into England, he fell dangerously ill at Doncaster, but recovered. Having lived two years after in a languishing state, he died at Jedburgh, in the twenty-fifth year of his age, and thirteenth of his reign.

Hoved. Chr. Mailr. Mat. Paris.

A. D. 1165. 9 Dec. Thursday.

In the year before king Malcolm died, Roger, archbishop of York, an ambitious prelate, having obtained from Pope Alexander III. the commission of papal legate to the kingdom of Scotland †, in order to pave his way to the possession of the primacy which he claimed over the Scottish church, came with great pomp to the castle of Norham. He thence sent messengers to the Scottish clergy, requiring them to receive him with the honours due to the legate of the holy see, and threatening them with the highest censures if they should presume to oppose him. But, instead of complying with this request, the Scottish church sent Ingelram, the king's chancellor, and archdeacon of Glasgow, attended by several of their own body, and a sufficient guard of laicks, to inform the archbishop that they would not receive him in the character he claimed. Ingelram acquitted himself of his commission with great spirit, charging Roger with having obtained his commission in a clandestine manner, and by false allegations. Solomon, dean of Glasgow, and Walter, prior of Kelso, assisted him in the dispute; and at last the Scottish delegates appealed to the court of Rome. Roger was obliged to return with disgrace, and Ingelram being soon after elevated to the bishopric of Glasgow, went over to France, where Pope Alexander the Third then was, and received consecration from that pope at Sens, notwithstanding of the opposition of the messengers sent thither by Roger, who had the mortification to be witnesses of the ceremony of Ingelram's consecration.

Ford. l. 8. c. 15. Chr. Mailr.

Malcolm died a bachelor; and as he emulated the monks in chastity, he was also, like his grandfather, extremely liberal to that order of men. Besides erecting some new convents, he gave an ample charter to the monks ‡ of Kelso, confirming the great donations made to them by David, by his father Henry, and

* Ferchard, earl of Strathern, and five others. Ford. Ferteth Comes is one of the earls witnessing the Charter of Kelso in the preceding year. Chr. Mailr. calls him Feretua, without mentioning his earldom.

† Probably he obtained a legation to Scotland, as his own province. See p. 101.

‡ This confirmatory charter was given at Roxburgh in 1159, and must have been given in the former part of the year, as this was the year of Henry king of England's Tholouse expedition, wherein Malcolm accompanied him. It appears from this charter, that the king resided much at Roxburgh, as he frequently attended divine service in the church of Kelso: for he confirms to that church all the offerings made by himself and his attendants, whensoever, on solemnities, or other days,

and himself as well as the grants made to them by the barons and great men of his kingdom. In his reign likewise was founded at Eccles *, by Cospatrick, the earl of March, or his lady, a convent of nuns, of the Cistertian order. Will. the Lion, K. of Scotland. 1165.

Malcolm was succeeded by his brother William, sirnamed the Lion. This prince is said to have been an implacable enemy to the English, on account of their taking from him his inheritance of the county of Northumberland; and the resentment he shewed on this account, was so much more grateful to the people of Scotland, than the meek and pacific behaviour of Malcolm, that for some time in the end of Malcolm's reign, they obliged William, though reluctant, to accept the charge of guardian of the kingdom. Ever since the restitution of Northumberland to Henry, there had been no firm peace between the kingdoms. An open rupture had been prevented by successive truces, but these were very ill observed; and the provinces, near the frontier between the kingdoms, suffered greatly by mutual inroads. In the Lent after William's accession to the throne, the English king passed over to France, to quell some disorders that had arisen in his dominions there. He afterwards received Ford. l. 8. c. 6. 12. A. D. 1166.

days, he heard the ſervice of God in that church *(a.)* The populouſneſs of Roxburgh, and the country in the neighbourhood, may be inferred from the mention of churches in that place, now granted to the Kelſo convent, as freely as they had been held by Acceline, the archdeacon, and which churches ſeem to be different from the lately erected church of St James. The ſame appears from the grant of twenty chalders, partly corn and partly meal *(inter farinam & frumentum)*, to be paid out of the Roxburgh mills, which probably was the eſtimate of the amount of the ſeventh part of the mills of this burgh, granted in David's charter to the abbey at Selkirk. Mention is alſo made of a new town of Roxburgh. Again, out of the mill of Ednam (Edenham), are granted yearly twelve chalders of malt. The churches granted by ſubjects, and confirmed in this charter, are Home, with two plough-gates of land, and a meadow in the neighbourhood of the village; and the church of Fogo, with one plough-gate of land, both given by earl Coſpatrick; the church of Macchuſwell, given by Herbert of Macchuſwell; the church of Simprig, given by Hye and his ſon Peter; the church of St. Laurence of Berwick, given by Robert Fitzwilliam; the church of Malcarvaſtun (Makerſton), given by Walter Corbeth; the church of Molla with the land adjacent, given by Uctred de Molla; the church of the village of Witha (now Weſton, in Lanarkſhire), given by Witha; the church of Cambuſnethan, given by William Phinemund; and the church of Lintunrutheric, i. e. *Lintun Rutheri vel Roderici* (Linton in Tiviotdale,) given by Richard Cuming. This charter is atteſted by many witneſſes: the order of which is remakarkable, and is as follows; the three biſhops of Glaſgow, Murray, and Dunkeld; William and David, the king's brothers, and Ada his mother; the abbots of Dunfermling, Jedword, Newbottle, and Sterling, Walter the chancellor, the prior of St. Andrew's, the archdeacon of St. Andrew's, the archdeacon of Laodonia (for) Herbert the chamberlain, Nicholas Clerk *(Clerico)*, Richard the chaplain. Then follow, after a note of diſtinction, the lay lords; Godred, king of the Iſles, earls Coſpatrick, Fertech, Duncan, and Gellebride, earl of Angus, Uctred, ſon of Fergus, Gilbert de Umframville, William de Sumerville, Rich. de Moreville, Ranulph de Sulas, David Olifard, Rich. Cuming. Rob. Avenel, Will. de Moreville, William Finemund, Walt. Corbet, Aſket. de Ridala, Henry de Perci, Liolph ſon of Maccus, Orm ſon of Hailaph; it is added, that there were many others preſent, clerks and laymen. Anderſon's Diplom.

* This foundation is placed by Hoveden, and Chr. Mailr. in 1154. They ſay, that the convent of nuns did then come thither the ſecond time; from which it would ſeem, that there had been formerly a foundation in that place of the ſame kind. The abbreviation of the Scotichronicon, annexed to Fordun, ſays, that this nunnery was founded by the counteſs of March.

(a) The ſame thing is made farther probable, from a grant made of half the ſkins from the king's kitchen, and of all the beaſts killed for his uſe, and half of their tallow, and all the ſkins of his rams and lambs, and the tenth of the ſkins of his deers and does. Theſe revenues from his kitchen and ſlaughtered cattle, the monks are to enjoy through all the country, which his grandfather David poſſeſſed, during the life of king Alexander.

the

Henry II. K. of England. 1116.

the homage of the people of Bretagne to his third son Geoffry, whom he had contracted to the only daughter of their duke, Conan. The king of Scotland, whose sister Margaret was married to this duke, came to the English king, while in Bretagne. His principal business was to treat concerning his claim to Northumberland and Cumberland: but Henry, who was sufficiently occupied by his strife with Becket, the Pope, the French king, and his own rebellious vassals, was careful to give the young king of Scotland the kindest words, and to sooth him with fair promises, of an agreeable termination of the disputes between them, when Henry should be at more leisure to attend to them. William having signalized his courage in some military exploits performed in Henry's service, and having confirmed the truce between the kingdoms, returned with honour to his own country *.

Chr. Mail. Ford. l. 8. c. 13.

Henry continued in France four years, a great part of which was consumed in contending with the enthusiastic insolence of Becket, who was protected by the French king, and encouraged by him in all his extravagant pretensions against his sovereign. Henry had also wars with that monarch, in which he was almost always successful. On his return to England, in March 1170, the Scottish king, and his brother David, repaired to his court at Windsor, and celebrated with him the festival of Easter. They were detained until the following June, to be present at the coronation of Henry's eldest son of the same name, who was then about sixteen years of age. And on the day after this solemnity, they together with the other vassals of Henry, paid homage, and swore fealty to both father and son, with a salvo of that due to the father. The practice of crowning the eldest sons of kings, while their fathers were yet alive, had obtained in France for some preceding generations. And Henry, in his present circumstances, seems to have been prompted to follow the example, by the view of strengthening his family, against the consequences of a papal excommunication and interdict, with which he and his kingdoms were continually threatened; and which, in those days, were dreadful to the greatest monarchs.

A. D. 1170. Chr. Mail. Ben. Petrob.

The king, soon after the coronation of his son, returned to France, and in the end of this year he composed his quarrel with Becket. But the haughty prelate returning to England, with the character of pope's legate, and beginning immediately, in violation of his late peace with Henry, to exercise his legatine authority, for avenging himself of those who had offended him during the late strife, he was soon followed by four knights of the king's household, who put him to death in his own church of Canterbury. This rash and cruel deed was committed in consequence of certain words uttered by the king, in the height of his resentment against Becket's untameable presumption; and it involved him in still greater difficulties, than those he seemed to have overcome by his late condescensions to that prelate. It was a considerable time before his most humble submissions to the court of Rome produced their desired effect; and he employed part of that interval in reducing Ireland; which the brave exploits performed a little before in that island by Richard Strongbow,

A. D. 1171.

* This year, 1166, the earl Cospatrick died, and was succeeded by his son Waltheve. Chr. Mail.

earl

earl of Pembroke, and others, private adventurers, did now render a very easy work to their sovereign. Will. the Lion, K. of Scotland.

In the following year, the king passing with expedition from Ireland, through England, into Normandy, found the Pope's legates impatient for his arrival: and having agreed to the terms dictated by the holy father, did obtain absolution. But Henry's prosperity, and growing power, excited envy and malignity; and his peace with the Roman pontiff was not concluded until a new set of enemies arose, where they were least to be suspected. His crowning his son Henry, without conferring the same honour on Margaret his wife, was grievously resented by her father the French king. But the English monarch seemed to have satisfied Louis, by the apologies he made for this neglect; and to cut off all occasion of farther complaint on that head, Margaret was, soon after Henry had made his peace with the Pope's legates, sent over to England to be crowned; her husband being also crowned a second time along with her. The young king and queen, not long after, passed over to Normandy, and thence to the French court, where the wild and unbounded ambition of the giddy young prince was wickedly cherished and stimulated, to break forth to the most open excesses. Not content with the name and dignity of a king, and with revenues sufficient to support a court, he claimed the whole regal authority, and impudently alleged, that his father, by causing him to be anointed and crowned, had transferred to him all his own power. His mother, queen Eleanor, was so perverse as to encourage her son in this wickedness; and, by her procurement, his two brothers, Richard and Geoffrey, were put into his hands, and so far as their youth allowed, joined him in all his measures. A. D. 1172.

Young Henry, by his boundless profusion, had acquired many friends. Policy now combined with that habit, to engage him to make the most liberal grants, in order to bring over to his party as great numbers as possible: and, in this manner, he debauched from their duty and allegiance, a very great number of his father's vassals, both in England and in France. He drew to his party the king of Scotland, by promising to restore to him the counties of Northumberland and Cumberland; as also to add to the county of Huntington, possessed by his brother David, that of Cambridge; for all which William and his brother were to render homage and service. In consequence of this agreement, William led a great army into England *, where he began his campaign, by laying siege to the castle of Wark. But failing in his attempt, he marched into Cumberland; and was alike unsuccessful in besieging Carlisle. Thence being allowed by Hugh bishop of Durham, to pass undisturbed through his territories, he advanced into Yorkshire; and, wherever he came, his army committed the most cruel depredations. To repel this invasion, Richard de Lucy, justiciary, and Humphrey de Bohun, constable of England, led an army Northwards, and the Scottish king retiring into his own

Ben. Petr. p. 51. Ford. l. 8. c. 21.

A. D. 1173. Chr. Mailr. Ford.

R. de Diceto, Dec. Scr. c. 573.

* Ralf de Diceto describes the Scotch army as containing an infinite multitude of Galloway men, who were fleet, naked, remarkably bold; wearing on their left side small knives, formidable to any armed men, very expert in throwing and aiming their javelins at great distances, setting up for a signal, when they go to battle, a long lance.

kingdom,

Henry II. K. of England,

A. D. 1174.

kingdom, they crossed the Tweed, burnt Berwick, and laid waste the adjacent country *: but being informed that the earl of Leicester, who was a principal man on the side of the young king, had landed in Suffolk with an army of Flemings; they proposed a truce to the Scottish king, who knowing nothing of Leicester's arrival, was glad to accept of the offer. This truce was to continue until the term of St Hilary; and by the mediation of the bishop of Durham †, was afterwards prolonged to the end of the Easter holidays; for which prorogation, the Northumbrians paid the Scottish king three hundred marks.

Ben. Petr. p.69. Bromp. c. 1089. DeDiceto,p.573 Cul. Neubr. l. 2. c. 30.

Lucy, returning with all expedition into the interior parts of England, gave a total overthrow to Leicester's army, and took him prisoner. The old king had also great successes in France; but still young Henry, with his allies and vassals, resolved to risque another campaign. Accordingly the Scottish king, with an army, as some of the English writers relate, of more than eighty thousand men, entered Northumberland in the beginning of April. Besides his own people, he had a considerable body of auxiliary horse and foot from Flanders. As he acted in concert with the rebellious barons of England, he detached his brother to the interior parts of that kingdom to join De Malory, who commanded in the castle of Leicester. Then marching into Cumberland, he again laid siege to Carlisle, which was held by Robert de Vaulx. The place being bravely defended, the king left part of his army to carry on the siege; and employed the rest of it in subduing and wasting the neighbouring lands of the English king and his barons. He took the castles of Liddel ‡, of Brough and Appleby in Westmorland; and those of Warkworth, and Harbottle, in Northumberland; the latter of which belonged to Odonel de Umframville. Then he returned to Carlisle; and having continued the siege until the provisions of the garrison began to fail, the governor capitulated to surrender the place at the following Michaelmas, if he should not in the interval receive succours from the English king. William marched from Carlisle to Prudhow, on the south side of the Tyne, a castle belonging to the before-mentioned Odonel de Umframville. Here he met with a brave resistance; which gave time to the lord of the castle to collect a considerable force under himself, William de Vesci, lord of Alnwick and Malton, and other northern barons; on the approach of which, William raised the siege of Prudhow, and retired towards his own country.

Gul. Neubr. l. 2. c. 38.

Ben. Petr. p. 73. Gul. Neubr. l. 2. c. 32. Hoved. p. 538.

As the English barons did not give the king a close pursuit, he stopped at Alnwick; and having there divided his army into three parts, he besieged or blocked up the strong castle of the place just mentioned, with one of them

Hoveden. Neubr. l. 2. c. 33. Ben. Petr. p. 75.

* This country is by Hovedon called Lonas, by Diceto, Loheneis.

† The king and bishop met for this purpose, *apud Rivedalam*, according to *Benedictus*; Revedeon, according to Hoveden, who adds, that it was in the confine of the two kingdoms. Hence it was probably the place now called Redden, which, in Malcolm's confirmatory charter to the abbey of Kelso, is called Raveden.

‡ Liddel was a castle anciently situated at the confluence of the Lid with the Esk (Camd. Lel. Coll.) It belonged, according to Benedict Petrob. to Nicholas de Stuteville. Those of Brough and Appleby, were castles of the king's, kept by Robert de Stuteville. Warkworth was kept by Roger, son of Richard; and Harbottle by Odonel de Umframville.

which

which he himself commanded*, The other two, commanded by the earl Duncan, the earl of Angus, and Richard Moreville, were employed in pillaging and laying waste all the adjacent country. It is probable, that William de Vesey's people at Alnwick, gave such intelligence of the king of Scotland's unguarded situation, as encouraged their lord, together with his † brother-in-law Robert de Stuteville, lord of Knaresborough, Ranulph de Glanville, and Bernard Baliol, to form the project of surprising him in his quarters. For this purpose, having set out with four hundred horse, at the dawn of day, from Newcastle, they marched with such speed, that before five they arrived in the neighbourhood of Alnwick. A thick fog had covered their march, but at the same time made them doubtful of their own situation; which raised in some of the company such apprehensions of hazard, that they prepared to return. Their advancing forward was owing to the resolution of Bernard Baliol; and the fog happily dissipating, they had soon the pleasure of discovering, at a small distance, the castle of Alnwick, which afforded a sure retreat, if in danger of being overpowered by their enemies. About the same time they perceived the king of Scotland riding out in the open fields, accompanied with a troop of about sixty horsemen, and free from all apprehension of danger‡. He at first took them for some of his own men returning from their ravages; but the display of their ensigns soon undeceiving him, he disdained to turn his back, and putting himself at the head of his small company, attacked his foes, with the most undaunted resolution §: but in an instant he was overpowered; and his horse being killed under him, he was taken prisoner with almost all his attendants. Several of his nobles, who were not present at the conflict, being informed of their master's fate, thought it honourable to share it, by rushing, rather than falling, into the hands of their enemies. The English barons carried off their prey with all expedition; marching back that night to Newcastle. Thence the royal captive was carried to Richmond, and detained in the castle of that place, until orders were received from the king of England how to dispose of him. The intelligence of this disaster, soon spreading through the

Will. the Lion, K. of Scotland.

1174.

Dugdale's Peerage.

July 13.

* Benedict of Peterburgh says, that the king remained at Alnwick with no more than his domestics, or guards (*cum privata familia sua*); and that the earl Duncan, having the command of the army, divided it into three parts; one of which he retained about himself, and sent the other two to destroy the adjacent country with fire and sword. He adds, that on the day the king was taken, earl Duncan, with the division of the army that he kept with himself, entered the town of Warkworth, burnt it, and put to the sword, without distinction of age or sex, all he found within it; and that he made his soldiers break up the church of St Laurence in that place, in which, and in the house of the parson of the town, they slew more than one hundred men, besides women and children.

† William de Vesey married the sister of Robert de Stuteville. Dugd. The list given of the leaders of the English in this action, in Leland's Collect. (from Walt. de Coventree) is Rob. de Stuteville, Gul de Stuteville his son, Will. de Vesey, Ranulph de Glanville, Ralph de Tilley, constable of the family of the archbishop of York, Bernard de Baliol, and Odonel de Umfranville.

‡ According to Bened. Petrob. they found him sporting with his knights, *ludentem cum militibus suis, tanquam securum, et nihil timentem)* p. 76.

§ Gul. Neubr. elegantly describes William as confiding in the multitude of his forces in the country around him, though at too great a distance to help him; *suo quippe tam vasto, quamvis minus conglobato circumvallatus exercitu; concussam illam paucitatem facile absorbendam esse a circumfusa multitudine nec ambigere dignabatur*, p. 214.

Henry II, K. of England. 1174.

scattered bands of the Scottish army, threw them into the greatest confusion. The fierce Highland Scots and Gallowaymen, who hated the English inhabitants of the towns and boroughs in the southern and eastern parts of Scotland, being now free from restraint, indulged their animosity, and cut off all their English fellow-subjects, who came in their way *; those who escaped, flying to places of strength. David earl of Huntington, as soon as he heard of his brother's captivity, abandoned the castle of Leicester, and his English allies, and marched with all the expedition he could into Scotland.

The circumstances of the death of Becket, and a multitude of tales of miracles, wrought at his tomb, had exalted him in a very short time, to the dignity of a martyr and saint of the first order. The king of England having come over from France, in order to defend his kingdom, not only against the Scots, but an invasion ready to be made by his son, in conjunction with the earl of Flanders, repaired, immediately after his landing, to Canterbury; where by his prayers and offerings, and his humiliating himself so far as to undergo the stripes of the monks, he fully made his peace with the saint. And it being on the very day he set out from Canterbury, after this good work, that his adversary the king of Scots became his prisoner, this fortunate event was universally ascribed by the monks and their votaries, to Becket's powerful intercession in the court of Heaven. On that day also, the fleet, which was to have invaded his kingdom, setting sail from Flanders, was scattered by a tempest. The king, losing no time to improve these advantages, marched against his rebel barons; and in less than a month compelled them all to surrender their persons and their castles. While he was at Northampton the king of Scots was brought to him, having his feet tied under the belly of the horse that carried him. Thither also came Hugh de Pudsey bishop of Durham †, who was the only one of his prelates, who, during these commotions, had given any cause to suspect his loyalty. He was the nephew of the late king Stephen, and owed his bishopric to the favour of that monarch: he had allowed the king of Scotland to pass through his country in the preceding year without opposition, and had this year sent for a body of Flemings, consisting of forty knights and five hundred foot under his Nephew Hugh de Bar, who landed at Hartlepool on the day the king of Scots was taken prisoner at Alnwick. Upon hearing of this event the bishop immediately sent back the foot; but detaining his nephew with the forty knights, committed to his keeping the castle of North Allerton. This prelate was now glad to make his peace with the king, by paying him a great sum of money and delivering to

Hoveden, p. 539.

* Gul. Neubr. on this occasion observes, that the towns and burghs of the kingdom of Scotland are known to be inhabited by Englishmen. *Regni enim Scotici oppida et burgi ab Anglis habitari noscuntur*, p. 216.

Gilbert and Uctred, the lords of Galloway (sons of Fergus), on returning to their own country, drove out all the intendants and magistrates put over them by the Scottish king, slew all the English and French, who fell into their hands, took and destroyed the castles and fortresses, that the king of Scotland had built in their province, putting to the sword all they found within them. Ben. Petrob. p. 77.

† Hugh (de Puteaco) treasurer of York, was, at the age of twenty-five, elected bishop of Durham, in 1153, Jan. 20.

him

him his castles of Durham, North Allerton, and Norham. He had improved the fortification of the last named of these castles, which he found in a weak state, by erecting in it a strong tower*.

Henry II. K. of England. 1174.

Henry having thus happily finished his work in England, returned with great expedition into Normandy, carrying along with him the king of Scotland, whom he imprisoned first at Caen, and afterwards at Falaise. He soon obliged the French king to raise the siege of Rouen; and being now every where victorious, he dictated the terms of a peace which he concluded with the monarch just mentioned, and with his own rebellious sons: whom he received into favour, and treated with a clemency and generosity of which their past and future conduct shewed them very undeserving. In the end of the year, he also concluded a treaty with the king of Scots, at Falaise †; by which that king regained the liberty of his person, but as the price of it, brought himself and his kingdom to a state of vassalage to the English monarch, as his superior lord; in testimony of which, he paid homage and swore fealty to both the old and young king, saving his fidelity to the former. He engaged, that the earls and other men of his kingdom should acknowledge Henry and his son as their liege-lords; and also, that the Scottish bishops, abbots, and other clergy, should render the same fealty to the English kings, that was given them by the clergy of their other dominions; also, that the church of Scotland should henceforth yield the like subjection to the church of England, that was owing and accustomed to be rendered by it, in the time of the preceding kings of England: and it was particularly consented to by some of the chief of the Scottish clergy ‡, who were present at the concluding of this treaty, that the church of England should possess that right in Scotland which was justly due to it: and these clergymen assured the two kings upon the fealty they now professed, that they, for their parts, should not be against the right of the English church. By virtue also of the convention now concluded, the other bishops and clergy of Scotland were to come under the like engagement. The kings became also mutually obliged not to give protection to fugitives who had committed crimes in either kingdom, and sought refuge in the other, but to seize them and deliver them up as soon as might be to their respective sovereigns, if they did not voluntarily yield themselves to undergo justice in their own king's courts. But Scottish fugitives in England were to have their privilege of taking their trial either in England or Scotland. Morover, the vassals of either king were to continue to hold the lands they possessed, or had a right to possess, in the dominions of the other. For insuring the observation of this convention, the king of Scotland delivered for himself and his heirs, to the pleasure § of the two Henrys and their heirs, the castles of Roxburgh, Berwick,

Wharton's Ang. Sacr. vol. i. p. 722. 723.

Dec. 8th. Rymer, vol. i. p. 39.

* This was probably the Donjon of this fortreſs, the greateſt part of which ſtill remains.

† This peace was concluded (according to De Diceto) with the Engliſh monarch, by the advice of the biſhops, abbots, earls, and barons of William's kingdom, who, in no ſmall numbers, came to viſit their maſter in his bonds.

‡ Theſe were Richard biſhop of St. Andrews, Richard biſhop of Dunkeld, Geoffrey abbot of Dunfermling, and Herbert prior of Coldingham.

§ *Liberavit in miſericordia Domini regis.* Bened. Petrob. in the beginning of his hiſtory of

Henry II K. of Scotland. 1174.

Berwick, Jedburgh, the Maiden Castle, and castle of Sterling; for the expence of guarding which castles the king of Scotland was to assign a sufficient sum, to be fixed upon by the English monarch. There were also delivered as hostages for the fulfilment of these conditions, David the king of Scotland's brother, and * twenty besides of the earls and barons of his kingdom. As soon as the castles should be delivered to the English, the king of Scots and his brother David were to be set at liberty; and the earls or barons who were hostages, might also then have the same privilege, upon each delivering in his own room, his lawful son or nearest heir. The king of Scotland, with his barons, did also faithfully promise, to oblige the Scottish bishops, barons, and other vassals, not present at this convention, to pay the same homage and fealty to the English kings, that they themselves had now done; and that any of the barons and vassals not present, of whom it should please the English king their superior lord to require hostages, should immediately render them. Finally, the bishops, earls, and barons agreed, that if the king of Scotland should violate his fealty to the English kings, they would take part with Henry as their liege-lord against the king of Scotland, and all others the king's enemies; until that the bishops should interdict the territories of the king of Scotland, until he returned to the fealty of his liege-sovereign.

Ben. Petr. p. 113, 114. Hoved. p. 545. Gul. Neubr. l 2. c. 38. Diceto, c. 585.

A. D. 1175.

In fulfilment of this treaty the Scottish hostages being delivered in Normandy, William, three days after, passed over into England, and remained there a prisoner at large, until the castles were, according to the treaty, delivered to those appointed by the English king to receive them. In the beginning of the following year, the Scottish king and his brother David returned into their own country. The king of England and his son came over from Normandy in May, and on the 10th of August following, the king of Scotland came to them at York, accompanied by almost all his prelates, earls, barons, and free tenants. Every one of these, by order of their king, did, in the Cathedral of that city, swear homage and pay allegiance to the older and younger Henry; William himself, and his brother David having set the example. Every thing else was also performed, that the treaty of Falaise required: and the written treaty itself was publicly read, ratified, and sealed. There is no mention made after this transaction, of the king of England's having either possessed or restored the castles of Jedburgh and Stirling. By the article of the treaty which stipulates the surrender of the castles, Henry seems to give hopes of not detaining them all. And probably the exactness, with which the king of Scotland and his people fulfilled so disagreeable a bargain, moved Henry to give a proof of his generosity, by restoring two of the five castles that were

the late war, gives a list of the castles possessed by William king of Scotland, containing the five now surrendered, and the castles of Annan and Lochmaben, which he adds, were the castles of Robert de Brus. Ben. Petrob. vol. i. p. 54.

* These were the earls, Duncan, Waldeve (earl of March or Dunbar), earl Gilibert, and the earl of Angus, Richard de Moreville constable, Nes son of William, Richard Cumin, Walter Corbet, Walter Olifard, John de Vals, William de Lindesey, Philip de Coleville, Philip de Valognes, Robert Frenbeit, Robert de Burneville, Hugh Giffard, Hugh Ridel, Walter de Bercherley, William de Haia (Hai,) and William de Mortimer.

yielded

yielded to him. How, and at what time, the other three were recovered, will appear in the progress of our narrative. Will. the Lion, K. of Scotland. 1175.

In this manner did Henry clearly and solemnly establish his feudal sovereignty over the king and kingdom of Scotland; but what related to the subjection of the Scottish church to that of England, was still, both by the treaty and the engagement of the Scottish clergy at York, left ambiguous and indefinite. All that was stipulated or sworn, was the subjection that was due and accustomed in the time of the king's predecessors. It is probable, that Henry was cautious of giving offence to the Pope, by pretending to determine what belonged to the cognizance of the holy see. Perhaps also, what he had suffered from prelatical ambition, made him unwilling to enlarge the power of either of the English primates by extending it over Scotland. At the same time, that he might not seem to neglect the just claims of the English church, he summoned the Scottish king, together with the heads of the clergy, to attend a great council, which was held in the following summer at Northampton. Ben. Petrob. p. 136. Hoved. p. 550. A. D. 1176. He there required the Scottish clergy, agreeably to their fealty and oath, now to render or declare the subjection they owed; and which, in the times of his predecessors, was accustomed to be given to the church of England. But the Scots answered, that their predecessors had never paid any subjection to the church of England, and that they owed no such subjection. In answer to this, Roger archbishop of York affirmed, that the prelates of Scotland, particularly those of Glasgow and Whithern, had been subject to the metropolitan church of York, in the times of his predecessors. He also produced *. papal bulls in support of his right. But this claim of York was violently opposed by Richard archbishop of Canterbury, who affirmed, that the Scottish church owed subjection to the church of Canterbury; in consequence, no doubt, of the ancient grant of primacy, over all the British churches, made to Austin by Gregory the Great. This strife of the English prelates being above the decision of the king and his council, the Scottish clergy were allowed to return to their own country, as free as when they left it. William and his bishops did, on this occasion, secretly apply to Pope Alexander for his protection against the pretensions of the English church; and requested him to send over one of his cardinals to take cognizance of the dispute. Ben. Petr. p. 137, 144, 168, 211. The Pope sent Vivian as his legate to Scotland, Ireland, Norway, and the isles adjacent: but Vivian having landed in England without licence from king Henry, was obliged, before he was allowed to proceed farther, to swear, that he would not, in the course of his legation, do any thing prejudicial to Henry and his kingdom. He acted very arbitrarily, and committed great extortions in Scotland, which were probably the more easily borne, with the view of gaining his favour and that of his master in the question now depending. From Whithern in Galloway, he passed over about Christmas to Man, and thence to Ireland. In the following summer he returned from Ireland, by the way of England, into Scotland, and held a council of the Scottish

* There are several bulls of this kind in Dugdale's Monast. vol. iii. Sir James Dalrymple gives a distinct account of the disputes on this head. Collect. p. 298, 336.

clergy,

31093

Henry II. K. of England. 1176.

clergy at Edinburgh *, in which some decrees were made relating to the discipline of the church. But the restraint he had been laid under by Henry hindered his giving any decision in favour of the liberty of the Scottish church. Soon after, a violent and tedious strife arose about the succession to the bishopric of St. Andrews; in which the see of Rome supported John Scott, who was elected by the chapter against Hugh the king's chaplain, who, on the nomination of his royal master, had been consecrated by some of the Scottish bishops. On the composing of this strife, and while Scotland still remained in vassalage to the English king, a bull was obtained from Pope Clement III. declaring the immediate dependency of the Scottish church on the Roman see, without any intervening superior; and that if any writings had been obtained from former Popes, contrary to this liberty, they should be of no prejudice to the Scottish king or kingdom.

A. D. 1188. Hoved. p. 651.

Ben. Petr. p. 203. Hoved. p. 566,

At a general council of the prelates, earls, and barons, of his kingdom, which the English king held at Windsor in the year 1177, it was resolved to remove some of the present keepers of his castles, and to put them into the hands of certain knights of his court. Accordingly, the castle of Roxburgh, which had been in the keeping of Roger archbishop of York, was committed to William de Stuteville, Edinburgh castle to Roger de Stuteville, the castle of Berwick to Geffry de Neville, and the castle of Norham, which had been kept by Roger de Cunieres, was now intrusted to William de Neville. At this time, the bishop of Durham, who laboured under the king's displeasure for his behaviour in the late troubles, endeavoured to conciliate his favour by making him a present of 2000 merks. In return, the king suffered his castles to stand, excepting that of North Allerton, and made a grant of an estate to his son. But not long after, the king having assembled at Winchester his military tenants, among whom was the king of Scotland, in order to accompany him into Normandy, it was resolved with the advice of his council, that he should not restore to the bishop his castles of Durham or of Norham. But the keepers of them were made to swear upon the relics of saints, that upon the event of the king's death, they would give them up to the bishop, on receiving orders from Richard de Luci, or the bishop of Winchester, or the bishop of Ely; and if the bishop should die, they would restore the castles to St. Cuthbert's church at Durham, that so the rights of that church might not be impaired. The keepers of the same castles also swore, that wherever they found robbers or other criminals in the territories of the bishop of Durham, they would seize them and bring them to justice.

A most entire harmony appears to have subsisted between England and Scotland during all that remained of Henry's reign after the peace of Falaise. King William with his nobles and prelates did often attend the great councils

* In this council the claim of the archiſhop of York was, in ſome degree, condemned by the ſuſpenſion of Chriſtian biſhop of Whithern, who refuſed to come to the council of Edinburgh; under pretence that his ſee belonged to the legation of the archbiſhop of York, who was papal legate in his own province. To this province, Chriſtian pretended that his biſhopric belonged; he himſelf, and as he alleged, his predeceſſors, having received conſecration from the archbiſhop of York.

of

of England, that were summoned from time to time to treat of the affairs of the kingdom. Nor doth it appear, that William did ever after conspire in council or action with the kings of France, or Henry's fierce and incorrigible sons, in their frequent contentions and wars with the English king; at the same time, Henry appears to have treated his vassal with lenity and generosity. On the death of Simon de St. Lis, the third of that name, earl of Huntington, without issue, he restored the earldom to the Scottish king; who immediately gave it to his brother David. Henry also bringing over from France a near kinswoman of his own, Ermengard, the daughter of Richard, viscount of Beaumont le Roger *, gave her in marriage to the Scottish king. The nuptials were celebrated at Woodstock (*a*), where Henry, on that occasion, gave the use of his palace to the royal pair; himself retiring to an house in the neighbourhood. He also, at this time, restored to William his castle of Edinburgh, on condition of its being made a part of the † jointure of the young queen.

Will. the Lion. K. of Scotland. 1185.

Ben. Petr. p. 435.

Chron. Mailr. Ford. l. 8. c. 490. Ben. Petr. p. 448, 452.

(*a*) A. D. 1186. Sept. 5.

In the summer of this year, Henry led a great army to Carlisle, and with the concurrence and aid of the Scottish king, settled the affairs of Galloway, obliging Roland the son of Uctred, to be content with the share of that province which had belonged to his father. Gilbert the uncle of Roland, had cruelly murdered his own brother Uctred, and seized his part of Galloway, during the captivity of king William. But William, soon after his return to his kingdom, subdued Gilbert, and carried him into England; where, on swearing homage to Henry, and given his son for an hostage, the part of Galloway, which he at first possessed, was restored to him. On the death of Gilbert, which happened in the year 1185, Roland seized his lands, and those of some barons who had been in his interests, having defeated and killed their possessors, and being a great warrior, made a brave stand in defence of what he had acquired. But being now overwhelmed with the force of both kingdoms, he was brought to Henry at Carlisle, by the king of Scotland and his brother David, (they, together with Ranulph de Glanville and Hugh bishop of Durham, giving him securities for his safe return to his own country) and was obliged to consent that the claim of Duncan to his father Gilbert's part of Galloway, should be determined in the court of the king of England ‡.

Ben. Petr. p. 448, 449.

The grievous distresses of the Holy Land, and above all, the taking of Jerusalem by the victorious Saladin, moving the pity and kindling the indignant zeal of the Western princes and their subjects, produced a new croisade. In order to this, Henry and Philip, the young and ambitious monarch of France, agreed to suspend their quarrels; and they both received the Cross from the hands of the archbishop of Tyre, who was the messenger of the dismal tidings

A. D. 1188.

* Her father Richard, was the son of Roscelin by Constance, a natural daughter of Henry I.

† The remainder of this jointure was an yearly revenue of 100 merks, and forty knights fees.

‡ According to Fordun, Roland was much in favour with the king of Scots, and by a commission from him, pursued with arms Gillecolm a cruel and desperate leader of banditti; who, after infesting and ravaging the country of Laudonia, where he spoiled and murdered some noble barons, passed thence into Galwegia, and seized the lands lately possessed by Gilbert. Roland attacked him there, and put him to death with a great number of his followers. Ford. l. 8. c. 39, 40.

of

Henry II. K. of England.

1183.

Ben. Petr. p. 514.

of the calamities of the East. The two kings agreed to tax their dominions, for defraying the expence of the intended expedition. A tenth of all revenues and moveables, called, from the particular occasion of imposing it, the *Saladin Tenth*, was to be levied both from the clergy and laity. Henry having settled this tax in a great council in his own kingdom, sent Hugh bishop of Durham, and some others of his courtiers, both clerks and laicks, to collect it in Scotland. William had lately offered to Henry 4,000 merks for the redemption of his castles. Henry now gave him hopes that his offer would be accepted, if William would grant him the tenth of his dominions. The king of Scotland declared his willingness to make this grant, if he could persuade his vassals to consent to it. And upon the arrival of the bishop of Durham with his attendants, the king met with them at Brigham *, in an assembly of his bishops, earls, barons, and a very great multitude of inferior vassals. The king of England's ambassadors having made known their master's demand, the Scottish king after consulting the assembly just mentioned, answered, that he was not able to prevail with them to give the tenth; and they at the same time answered for themselves, that they would never pay the tenth, although both the king of England, and their own king had sworn they should. The English commissioners laboured much, both by soothing and threatening words, to carry their point, but all was to no purpose. They returned to their own country wholly frustrated of their errand; and sent advice to the king, who was then in Normandy, of the answers they had received from the Scottish king and his subjects.

The king of England, in the midst of his preparations for the projected croisade, was obliged to go over to France to defend his dominions there, against the assaults of ths French king; who had not only violated the late truce, but had seduced Richard, Henry's son, from his duty and allegiance to his father. A new truce procured a suspension to these hostilities; but they broke out again in the following summer. Henry's health was now much impaired, many of his vassals basely abandoned him; and being suddenly attacked by Philip and Richard, two princes eminently brave and in the full vigour of youth, he was driven to such extremities, as obliged him to submit to the conditions of a peace dictated by the French monarch. To complete his wretchedness as a parent, his youngest and favourite son John deserted him in the midst of his distress, and went over to his enemies. Such an unusual load of calamity was thought to have hastened the death of this great prince; which happened two days after his signing the peace with Philip.

A. D. 1189.

Richard, having succeeded his father in all his dominions, immediately turned his whole attention, to prepare for an expedition to the Holy Land; to which he had engaged himself by taking the Cross before his father's death. Not content with the money his father had collected for this enterprise, he sought to increase it by all the methods he could devise. He exposed to

* According to Hoveden, William met the Engliſh ambaſſadors between Wark and Brigham (now Birgham) and not allowing them to enter his country to collect the tenths, he offered to give the king of England 5,000 merks, for the tenths and redemption of his caſtles, which Henry refuſed to accept. Hoved. p. 642.

sale

sale the great offices of his kingdom, his castles, towns, and demesne lands *, without regarding the injury he did to himself and his successors. One of the most considerable bargains of this kind, was that which he made with Hugh de Pudsey, bishop of Durham, to whom he sold the earldom of Northumberland † for his life, together with the honour of Sadberg to the bishop himself and his successors, for the sum of 11,000*l.* The bishop had amassed this sum to defray his own expence as a croisader; but the Pope having granted him an absolution from his vow, he laid out his money in the purchases above related. The same bishop was in so much favour with Richard, that he was joined with William Longchamp bishop of Ely, in the charge of justiciary of the kingdom during the king's absence. The latter had the charge of the southern provinces; while the former was charged with those on the north of the Humber. But for this dignity the bishop paid a further sum of 1,000 merks.

Will. the Lion, K. of Scotland. 1189. Hoved. Bened.

Bened. p. 584.

The history of those times affords many instances of kings and great lords making sale of privileges and exemptions, both to individuals and communities, in order to defray the immense expences of their croisades; and the increase of liberty thence arising, was one of the advantages of these absurd enterprises, that served, in some degree to balance the many evils that attended them. A remarkable example of this kind is afforded in the king of Scotland; who embraced the present occasion of redeeming his kingdom from the subjection into which it was brought to the crown of England, in consequence of his captivity in the year 1174. The terms of this redemption being probably agreed before, William was, by order of the English monarch, met at the Tweed, by Geffrey archbishop elect of York, attended by the barons and sheriff of Yorkshire; who received him with due honour and conducted him to their king then at Canterbury. There William performed homage to Richard for the dignities to be held by him in England, in the same manner as his brother Malcolm had done to the late king Henry: But in consideration of the sum of 10,000 merks sterling ‡, which William did then

Hoved. p. 662. Ben. Petr. p. 576.

* Hoveden says, that the king exposed to sale all that he had, viz. *Castella, Villas, et Prædia.* And Will. Neubr. relates, that when his friends blamed him for proceeding in this manner, he told them "he would sell London if he could find a proper merchant." Hoved. p. 658. Gul. Neubr. p. 363.

† The king said jocularly on this occasion, "that he had shewn himself a wonderful artist, in making a young earl out of an old bishop." Gul. Neubr.

‡ Hoveden and Bened. Petrob. seem to say the sum of 10,000 merks was at this very time paid to Richard. Gul. Neubr. says, that William promised this sum, and returning to his kingdom with difficulty, raised it by the arbitrary exertion of his royal power *(imminentia regiæ potestatis)*. How little the power of a Scottish king could do in raising money, appears from William's incapacity to make his people pay the Saladin Tenth. And Neubrig, although a cotemporary writer, deserves the less credit on this head, that he makes no mention of the relaxation granted to William of his homage. It is probable, that this relaxation would appear so general and interesting a concern, that the different orders of men in Scotland would readily contribute what they could to purchase it. An authentic evidence remains of the houses of the Cistertian order of monks, contributing liberally on this occasion of *their own free will*; these houses being accounted so sacred in that age, as to have obtained an exemption from all public taxations. This evidence is a charter in which William declares, that what they had freely done on this singular

This meaning of *imminentia* appears from comparing its use in c. 5, and 14.

Richard I. K. of England. 1189.

then pay, Richard restored to him the castles of Roxburgh and Berwick, to be held as rights of inheritance by himself and successors, and also freed him and his heirs, from all allegiance and subjection of the kingdom of Scotland to the crown of England; in testimony whereof, Richard gave William a charter, the original of which is still preserved in the English archives. This charter declares, that the pactions or conventions, by which William became bound to the English king, for any thing more than what had been rendered by his brother Malcolm, had been extorted from him by his captivity; that the charters thus obtained from William were now restored, and if any of them by neglect should be retained, they are declared to be of no validity. The king of England agrees to perform whatever his predecessors did of right perform, or ought to have performed, respecting the king of Scotland's coming to the court of the king of England, his tarrying in it, or returning from it, also, with regard to all provisions *, liberties, dignities, and honours, that should be found and pronounced due to the Scottish king, by four English nobles nominated by the king of Scotland, and as many Scottish nobles nominated by the king of England. The allegiances of the king of Scotland's vassals that were paid to the late king Henry, are declared to be restored, and the king of Scotland now became Richard's liege-man, and swore fealty to him and his heirs for all the lands which William's predecessors held of the predecessors of Richard. Besides the articles above related, which are the most material, there is one respecting the marches of Scotland; concerning which, Richard declares it to be his pleasure, that if any of his vassals had unjustly usurped any part of these † marches, after king William became his father's prisoner, they should be completely restored, and put into the state in which they were before his imprisonment.

Rymer, vol. i. p. 64.

Six days after the date of this charter, Richard left England; passing over to his dominions in France, in order to prepare, in concert with the French king, all things for their great expedition. These two monarchs set out about the middle of the following summer, at the head of numerous and well provided armies. Various accidents retarding them, Philip did not arrive on the coast of Palestine, until the month of April, nor Richard, until June in the following year. As neither of these princes possessed much of the humility and meekness becoming pilgrims, a bitter strife arose betwixt them in the island of Sicily, where they both spent the winter; and though this seemed to be healed by a treaty they entered into before they left that island, there remained an animosity, which, afterwards breaking forth on various occasions,

A. D. 1190.

A. D. 1191

and extraordinary occasion should not be made a precedent for infringing their liberties, or imposing such a burden upon them in any future instance. App. to Anderson's Independency of Scotland, No. 21. Id. Dipolm.

* *Et in procurationibus, et in omnibus libertatibus, et dignitatibus, et honoribus, eidem jure debitis.*

*Procuratio*, as used afterwards in Hoveden, p. 738, relating a strife between the king of Scotland and bishop of Durham, plainly signifies provision, for eating and drinking, or entertainment. Hence probably the English term *Purveyance*.

† This article is general; no mention being made of any particular place. The possession which the English had of Berwick and Roxburgh, might naturally lead them to such encroachments.

was

was a principal mean of defeating the success of their great enterprise. Richard was not less unfortunate in the companion of his expedition, than in the delegate he had left behind him, to administer the affairs of his kingdom. Longchamp bishop of Ely, being not only justiciary over the principal part of the kingdom, but being also chancellor of England, and papal legate to England, Wales, and Ireland, disdained to share his power with any other; and therefore, when Hugh bishop of Durham arrived from Normandy, where he had gone to attend the king; and brought with him a royal commission, appointing him justiciary over the counties to the north of the Humber; his fellow-justiciary having decoyed him to London, committed him to prison; nor could he regain his liberty, until he had resigned to Longchamp, the castle of Windsor with its dependencies, which the king had put into his hands, and likewise the city of Newcastle, with the earldom of Northumberland and barony of Sadberg. Hugh was farther obliged to give his son Henry de Pudsey, and Gilbert de Laya, for hostages. He was also confined as a prisoner to his manor of Hoveden; and when, on complaining of these injuries to the king, he obtained a mandate from him before he left Marseilles, for the restitution of his earldom and Sadberg, the justiciary would not obey; pretending, that he had a more certain knowledge of the king's will than could be conveyed to him by written orders.

Will. the Lion, K. of Scotland. 1191.

Ben. Petr. p. 587, 698. Hoved. p. 665. 667.

These beginnings of Longchamp's administration were followed by a series of violent and oppressive measures, which soon made him odious and intolerable to all. John count of Mortaigne, who, by the liberality of the king, his brother, possessed many honours and estates in England, having convoked at Reading an assembly of the great men of the kingdom; the office of justiciary, was by their authority taken from Longchamp, and committed to Walter archbishop of Rouen, who exercised it with wisdom and moderation. Mean while Richard signalized himself in the east by the bravest exploits; the effect of which was in a great measure disappointed by discords among the fierce adventurers, and by the great qualities of their antagonist Saladin. Richard's most dangerous enemy, Philip, soon left him, and returned to his own kingdom, One of Philip's principal views in so hasty a return, was to attack Richard's French provinces during his absence; although he had bound himself by the most sacred engagements to a contrary behaviour. After fighting sixteen months in Palestine, and filling all the east with the fame of his great exploits, the English king giving ear at last to the reiterated calls of his faithful subjects, set out on his return. But attempting to pass through Germany, as being the way least exposed to danger, he fell into the hands of Leopold duke of Austria, whom he had affronted at the siege of Acre or Ptolemais, and by whom he was sold to another of his foes, the Emperor Henry VI. The Emperor detained him a prisoner more than twelve months; while the French king improved the opportunity to invade his provinces, and distress his kingdom; in which work he was assisted by Richard's worthless brother John. But the bulk of his subjects continuing faithful, a vast sum was raised, by taxes and voluntary contributions, to be paid to the Emperor as

A. D. 1192. Oct. 9th.

Richard I. K. of England.

A. D. 1194. March 20.

his ransom; and being thus restored to his liberty at Mentz, he returned with all the expedition he could to England.

His first care was to recover the castles of Nottingham and Tikhill, that were held out against him by the dependants of his brother John. This being easily accomplished, he held a council at Nottingham in which John was forfeited for his treason and rebellion. On the last day of this council, the king of Scotland came to him, and accompanied him in his return to the more southern parts of his kingdom. A few days after their meeting, the Scottish monarch, probably pleading the merit of his peaceable and friendly behaviour*, during Richard's absence and sufferings, demanded from him the dignities and honours, which his predecessors had enjoyed in England. He also asked the restitution of the earldoms of Northumberland, Cumberland, Westmoreland, and Lancashire, claiming a right to them, derived from his ancestors. Richard promised to advise about those requests with his earls and barons; and after doing so, told William, that he ought by no means to have asked of him the restitution of Northumberland; especially at the present critical time, when he had so many enemies in France: for if he should now comply with William's request, it would be construed to proceed more from fear, than real friendship. However, in fulfilment of what was more expressly stipulated in the deed of release from homage, granted four years ago to William and his kingdom, Richard consented to give him a charter, confirming to himself and his heirs, the liberties and rights possessed by his ancestors in their attending the court of the kings of England, and in their way to and from it. A daily pension of money, to be paid by the sheriffs of the counties through which they passed, was hereby assigned them, while on their journey, and during their residence at the English court; besides an allowance of money, they had a portion appointed them of bread, wine, candles, and spices. On the limit of the two kingdoms, they were to be met by the bishop of Durham, and the sheriff and barons of Northumberland, who were to be their escort to the Tees. The archbishop of York, and the sheriffs and barons of Yorkshire, were to receive them at that river, and to conduct them through their county to the next; and thus they were successively, by the bishops, sheriffs, and barons, in each county, to be conducted on their way to the king: and the like attendance was to be given them in their return. Full liberty and protection was also granted for conveying to the courts of the king of England, such fugitives as, being charged with felony, claimed to have their trial in those courts.

April 2. Hoved. p. 737, 738, 739.

Rymer, vol. i. p. 87.

Hoved. p. 739.

Richard having, in order to efface the dishonour of his captivity and imprisonment, appointed the solemnity of his coronation to be renewed at Winchester, the king of Scotland remained at his court; and, on that occasion, sustained the part of the highest of his lay-vassals†. In the interval William

* Fordun says, That William sent 2000 merks to assist in paying Richard's ransom, Ford. l. 8. c. 55. And the Chronicle of Mailros says, That William sent this sum from Roxburgh in 1193.

† The king of Scotland, in the procession, bore a sword before Richard, being supported by the earl of Warren, on his right, and the earl of Chester on his left hand; each of whom also bore swords. Hoved.

received

received some rude treatment from the bishop of Durham; for which the haughty prelate underwent a severe chiding from the king. Two days after the coronation, the same bishop, willing to prevent a demand, which he laid his account with being made, did voluntarily resign into the king's hands, the earldom of Northumberland, with its castles and other appendages; all which the king commanded him to deliver to Hugh Bardolf. This presented a new opportunity to the king of Scotland, of endeavouring to recover what he desired so earnestly: and Richard being at this time no less intent on raising money, nor more scrupulous about the means, than when he was preparing for his croisade, William thought it proper to offer him fifteen hundred * merks for the county and castles. Richard, by advice of his council, consented to give him, for that sum, the county, retaining the castles in his own hands. But William would have both the one and the other. In a few days after William left the English court; having, the day before he set out, made a new effort to obtain his demand: but Richard continued firm in his refusal to deliver him *any castles*. He gave him, however, some hopes of granting his request, after his return from Normandy; and, on these terms, the two monarchs parted, never again to meet; William returning to Scotland, and Richard, a few weeks after, passing over to Normandy.

Will. the Lion, K. of Scotland. 1194. Gul. Neubr. l. 5. c. 1.

April 22.

*Aliqua Caſtella.* Hoved.

May 12.

The remaining five years of Richard's life were spent on the continent, where his passion and talents for war found sufficient employment, in repelling and revenging the attacks of the French king, and of his own rebellious vassals. During the greatest part of this time, Hubert archbishop of Canterbury was his justiciary in England. This prelate, on the Christmas of the year 1195, did, by his master's order, hold a conference with the king of Scotland at York: the subject whereof was a new method that had been proposed for William's obtaining the restitution of the northern counties. This king had lately laboured under a tedious illness at Clackmannan; during which he had appointed Otho †, son of Henry duke of Saxony, and sister's son to the king of

Hoved. 757, 759. A. D. 1195.

Ford. l. 8. c. 58.

* Hoveden has fifteen thouſand, but when we attend to the ſum that William paid for the redemption of the liberty of his kingdom, and reſtitution of Berwick and Roxburgh, and alſo the offer that the biſhop of Durham made at this time for the county and caſtles, it cannot be more than one thouſand five hundred, and ſo Carte calls it.

The biſhop hoping to avail himſelf of the king's neceſſities, and reſolving to outbid the king of Scotland, ſent a meſſenger to Normandy, to offer the king two thouſand merks, for allowing him to retain the county, with its caſtles, which were thoſe of Newcaſtle and Bamburgh. And when Bardolf came to demand of him the county and caſtles, he put off the reſtitution of them until the return of his meſſenger. The meſſenger returning, brought letters to Bardolf, directing him to deliver to the biſhop the county and caſtles, upon the biſhop's giving him ſufficient ſecurity for the payment of two thouſand merks. On receiving theſe letters, Bardolf again demanded the county and caſtles; promiſing that he would obey the king's mandate, by re-delivering them on the biſhop's making him ſecure of the payment of two thouſand merks: the biſhop replying, that it was needleſs to give them up in order to a re-delivery, they being already in his hands. Bardolf notified this anſwer to the king, who, being much provoked, commanded the biſhop to be diſſeiſed of the county and caſtles, and two thouſand merks to be exacted from him as a fine. In the ſame fit of wrath he alſo ordered the reſumption of the manor of Sadberg, which he had granted to St. Cuthbert and the church of Durham, at the ſame time that he ſold the biſhop the earldom. Hoveden, p. 743.

† Otho was afterwards emperor of Germany, the fourth of that name.

England,

Richard I. K. of England. 1195.

England, to succeed him in his kingdom, on condition of Otho's taking to wife his first-born daughter Margaret *. But although the king obtained the consent of the greater part of his nobles to this settlement, it was opposed by earl Patrick and many others; who alleged, that it was not the custom of the kingdom of Scotland, that the crown should descend to a female, while the king had a surviving brother or nephew. William, after recovering from his illness, came to York to treat with the king of England's delegate, about contracting the proposed marriage. The conditions of this contract, which William had agreed with Richard, were, that William should, with his daughter, give Otho all the country, then known by the name of Lothene †; that the king of England should settle on Otho and his wife, and their heirs, Northumberland, and the county of Carlisle: and that the king of England should have the keeping of all Lothian, with its castles; and the king of Scotland the keeping of the two English counties, with the castles in them. But the queen of Scotland being then with child, William, in the hopes of her bearing a son ‡, refused to fulfil the convention he had made.

Notwithstanding the failure of this, and the rest of William's projects, for recovering what his ancestors had possessed in England, yet his personal friendship for Richard § preserved an undisturbed peace between the kingdoms. During the reign of Richard, the two nations, according to Fordun, seemed one people; Englishmen travelling at pleasure through all the corners of Scotland; and Scotchmen, in like manner, through England; carrying with them their gold or merchandises in perfect safety. This peace, which William cultivated with England, made him more able to reduce to obedience his fierce subjects in the North. Rebellious commotions being excited by Harold, earl of Caithness, and his sons, he led an army against them in two successive years ‖; in the latter end of which he took Harold, and committed him a prisoner in

Ford. l. 8. c. 55.

A D. 1196, 1197. Ford. l. 8. c. 59. Chron. Mailr. Ford. l. 8. c. 56.

* According to Fordun, Margaret was his daughter, born to him by the daughter of Adam de Hitufon, whom he does not call William's queen. All his nobles being aſſembled at Clackmannan, ſwore fealty to Margaret as his true heir, unleſs he ſhould have a ſon by his queen Ermengard. Hoveden calls Margaret his firſt-begotten daughter, without ſaying whether ſhe was legitimate, or a baſtard. But no other queen of William is mentioned by any hiſtorian, except Ermengard. The Chronicle of Mailros ſays, That William gave his daughter Margaret, whom he begot of the daughter of Adam de Hythuſum, in marriage to Euſtace de Veſey, at Roxburgh, but places this marriage in 1193; and makes no mention at all of William's ſettlement of his ſucceſſion at Clackmannun, or of the treaty for marrying her to Otho.

† Hoveden's word is *Lœnais*, a corruption of *Lothene*, or *Lodoneum*. His meaning is evident, from his uſing the ſame name to expreſs the country adjacent to the caſtle of Wark, in p. 642. The contiguity alſo of the country between the Tweed and Forth to Northumberland, made the whole a convenient territory, or little dominion for Otho and his wife Margaret.

‡ But William had not this happineſs, until the year 1198, Aug. 24, when Alexander II. was born, to the great joy of the whole kingdom. Ford. l. 8. c. 59.

§ Fordun compares them to David and Jonathan. Probably there was a great ſimilarity in their characters. There certainly was, if theſe characters were juſtly expreſſed by the ſirnames their cotemporaries gave them. Richard was called the *Lion's Heart*, William the *Lion*.

‖ It is remarkable that Fordun ſays, That the king returning from his expedition into Caithneſs, *remeavit in Scotiam ſuam*; Hearne's edition has it *in Scotiam*: this ſerves to confirm Goodall's hypotheſis, that Ergadia, in its ancient ſignification, comprehended all the weſtern and ſouthern Highlands, while the country, to the eaſt of the hills, and river Spey, as far as the Frith of Forth, was properly Scotia.

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the castle of Roxburgh; where he remained in custody till he made his peace with the king. But though he left his son Torphin an hostage for his fidelity, he again rebelled; and thereby occasioned such cruelties to be exercised on Torphin *, as brought his life to a miserable end in prison.

Will. the Lion, K. of Scotland. 1197.

The king of England was beginning, in the last months of his reign, to enjoy some respite from his warlike toils, in consequence of a truce of five years, concluded with the king of France, by the mediation of a legate from the Pope. But a prince of so fierce a spirit could not, in that age of war, long want an opportunity of fighting. An hidden treasure being discovered in the territories of the count de Limoges, one of his vassals, Richard claimed it as lord paramount; but the count, instead of delivering it up, endeavoured to secure it in the castle of Chalus, near Limoges; Richard immediately laid siege to the castle, and when he too rashly, and not sufficiently armed, approached it, in order to observe the fittest place for making an assault, he received a wound in his shoulder by an arrow from a cross-bow, of which he died a few days after.

A. D. 1199. April 26.

Richard, dying without legitimate offspring, was succeeded by his brother John, who pretended to have been appointed by Richard the heir of all his dominions. The rule that afterwards universally obtained, of the issue of an elder brother representing him, and being on that account preferred to a younger brother of their father, was not, in that age, universally, or firmly established; although it is certain, that, agreeably to that rule, Richard, on setting out on his expedition to the Holy Land, had declared Arthur duke of Bretagne, the son of his brother Geffrey, his heir. This prince was about twelve years old when his uncle Richard died; and some of the French provinces immediately acknowledged him as their sovereign. But far the greatest part readily submitted to John; and while he was employed in taking possession of the dukedom of Normandy, and settling his other affairs in France, Hubert, archbishop of Canterbury, with William Marshal, and Geffrey Fitz-Piers, the chief justiciary, men of great influence in the nation, and wholly devoted to John, had the charge of preserving peace, and securing his interests in England. For this purpose they gave the strongest assurances to the chief barons, of John's resolution to maintain their rights, and accompanied these assurances with such liberal grants of lands, and lucrative offices, that they all gave John their oath of fealty, on condition of his making good his engagements. Fealty was also sworn by the inferior military tenants, and by corporations depending on the crown.

Hoved. p. 798

The king of Scotland, being soon informed of John's aspiring to the English crown, neglected not to seize the opportunity of his lame title, though opposed to that of his grand-nephew Arthur, in order to recover the counties of Northumberland and Cumberland. He therefore dispatched, without delay, messengers to require, in his name, the restitution of these counties as his patrimony; offering, on that condition, to swear fealty, and render homage and service to John against all men. But John's agents, not allowing these messengers to pass over into Normandy, engaged David, earl of Huntington, to

* Torphin was deprived of his eyes and genitals.

go

John, K. of England. 1199.

go to his brother, the king of Scots, and persuade him to have patience until the duke of Normandy's arrival in England. Nor did John himself neglect an object of so much importance to him, as the preserving of quiet on the side of Scotland; for while he was yet in Normandy, he gave a commission to William's son-in-law, Eustace de Vesey, to assure the Scottish king, that if he kept peace with him, he would, on his return from Normandy, give him content in all his demands.

Hoved. p. 793, 794.

The consecration and anointing, which monarchs received at their coronation, was, in those days, esteemed of so much moment to establish their title to the kingdom, that John made all the haste he could to pass over into England, in order to be thus invested with the regal dignity. The king of Scotland was not present at this solemnity; but Roger, bishop of St Andrew's, who was probably one of the messengers whom William had dispatched towards John, while yet in Normandy, attended it. This bishop, accompanied with Richard de Malebise, was sent by John, immediately after his coronation, to summon the Scottish king to come to him at Nottingham; and, in the expectation of William's compliance, *Philip bishop of Durham, was ordered to receive him, in the usual manner, on the frontier of the two kingdoms. But William, intent on making good his claims, before he rendered the expected homage, sent other three messengers † to John, to make the demands already mentioned, accompanied with assurances of faithful service, if these demands were granted; but, in case of a refusal, to declare their master's purpose to exert his utmost power to recover his rights. John was, probably, on his way to Nottingham, when these messengers came to him; and upon delivering their message, he answered them, in the mildest manner, that, on meeting with his dearest cousin, their master, he would do him right, with regard to that, and all his other demands. With a view to this meeting he proceeded to Nottingham, and spent some time there, and in the neighbourhood, expecting the arrival of the Scottish king. But William, instead of coming himself, sent back the bishop of St Andrew's and Malebise, to notify, that he insisted on his former demands; for answering which, he granted the king of England a truce of forty days, and in the mean time assembled a great army. But John had a more formidable enemy on the continent, to which he returned as soon as he could; intrusting his frontier provinces, towards Scotland, with their castles, to the keeping of William de Stuteville. The bishop of St Andrew's, and Richard de Malebise, followed John, as he hastened toward the sea; and perhaps carried back to the king of Scotland some new promises, that seemed to sooth him, and to hinder him from proceeding to extremities ‡

May 27.

John,

* Hugh de Pudsey, bishop of Durham, died in 1195, and was succeeded by Philip of Poictou (*Pictavienſis*).

† These were, William, Prior of May: Walter, Prior of Inchcolm, and William de Hay.

‡ Hoveden says, That William, purposing to lead an army into England, came to Dunfermling to pay his devotions at the shrine of St. Margaret; where spending the night, he was warned in a dream, to forbear his intended expedition, upon which he dismissed his army. Hoved. p. 797.

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John, after his return to Normandy, was employed, during the remainder of the year, in negociating, and sometimes in fighting, with the French king, who resented John's taking possession of Normandy, without making any acknowledgment of him as his superior. Philip had also assumed the protection of the young duke of Bretagne; and it was chiefly with the view of depriving that prince, his much dreaded rival, of so powerful a guardian, that John in the beginning of the ensuing year, agreed to the terms of a peace, highly advantageous to Philip. He had obliged himself, by this treaty, to pay Philip a great sum of money; in order to raise which, he came over to England soon after the treaty was concluded. On this occasion he renewed his summons to the king of Scotland, to attend him at York; and, in the time of Lent, went to that city to receive him; but the Scottish king again disappointed him, and John, soon after, returned to Normandy.

Will. the Lion, K. of Scotland. 1199. A D. 1200. Hoved. p. 798.

During this visit to his French dominions, John settled all things with Philip agreeably to their late treaty. Going afterwards into Guienne, to reduce to order some of his mutinous barons, he fell in love with Isabel of Engoulesme; and having obtained a divorce from his former wife, Avise of Gloucester, married Isabel, notwithstanding of her being affianced to Hugh count de la Marche. This excited a resentment in Hugh, that afterwards gave John no small trouble. The king returning with his wife to England, she was crowned at Westminster, by the archbishop of Canterbury, and himself along with her, for the second time. Immediately after this solemnity, he sent delegates * to the king of Scotland, to deliver to him letters patent of safe conduct; and to accompany him to his presence at Lincoln, where he required him to be on the 21st of December. Probably John now appeared more formidable to William, after having established peace with the French king. It is, however, certain, that William obeyed the summons given him; and the two kings met at Lincoln on the day prefixed. On the day after, they held a conference on a high hill without the city, where in the presence of a great asssembly of English, Scotch, and Norman barons, William, paid homage to John, for the possessions he claimed a right to hold from the English king; and, upon the cross of Hubert archbishop of Canterbury, swore to him fealty of life, limbs, and earthly honour against all men; and that he would keep peace with himself and his kingdom, saving his own right. After thus performing his homage, William demanded from his lord, the king of England,

Hoved. p. 803. Hoved. p. 811. 812. Oct. 8. Dec. 22.

In this year, 1199, there happened in England, and on its borders, an extraordinary inundation of waters, which carried away bridges, mills and houſes. Among the reſt, the bridge of Berwick was deſtroyed: and earl Patrick, the governor of that town, and at that time juſticiary of all Scotland, having in obedience to the king's orders, ſet about rebuilding it, he was forbidden by Philip biſhop of Durham, to make it terminate on his land. But no bridge could be built there, unleſs it terminated on land belonging to the biſhop, as it had formerly done. At laſt, by the advice of William de Stuteville, the biſhop ſuffered the work to be carried on, with a ſalvo of the convention that had been concluded between the king of Scotland, and Hugh, the preſent biſhop's, predeceſſor. Hoved. p. 796.

* Theſe delegates were Philip biſhop of Durham, Roger Bigot earl of Norfolk, Henry de Bohun earl of Hereford, nephew of William king of Scotland; David earl of Huntingdon, brother to the ſame king; Roger de Laſci, conſtable of Cheſter: Euſtace de Veſey, and Robert de Ros, ſons in-law of the Scottiſh king: and Robert Fitz-Rogers ſheriff of Northumberland. Hoved.

John, K. of England. 1200.

Northumberland, Cumberland, and Westmoreland, as his rightful inheritance. But after treating long concerning this demand, and not being able to agree; the king of England requested a truce for deliberating concerning it until the ensuing Whitsunday. The king of Scotland, having granted this request, set out, the next morning, on his return to his own kingdom; to which he was re-conducted by the same persons who had accompanied him to the king of England. Some disturbances excited in the spring of the following year in Guienne by the count of march and his brother, obliging John to go over to quell them, he drew from this situation of his affairs, an excuse for not giving at Whitsunday an answer to the king of Scotland's demand of the northern counties: and before he embarked, he sent three envoys * to William to request that the term for giving that answer might be adjourned till Michaelmas.

Hoved. p. 819. A. D. 1201.

About a month before that term, Constance, the mother of prince Arthur, died; which event gave the king of France an opportunity of taking that prince more immediately under his protection, and of obtaining a more entire ascendant over him. He supported him in all his pretensions against his uncle, and in the right of lord paramount, undertook to oblige John to redress the wrongs he had done to his nephew, as well as to the Count de la Marche and others of his vassals. John, being very desirous of preserving peace, endeavoured to elude or delay compliance with Philip's demands. But these arts served only to excite contempt and resentment in Philip, who having knighted Arthur, and given him his daughter in marriage, came to an open breach with John, by conferring on Arthur the investiture not only of Bretagne but of the provinces of Guienne and Anjou, which John had hitherto possessed. John was so fortunate as to make Arthur his prisoner, as the young prince was on his way from the court of Philip, to join his uncle's rebel vassals in Guienne. But the jealous tyrant made the worst use possible of this important success, by putting to death the young prince, about eight months after, and, as some writers relate, with his own hands. The estates of Bretagne appeared as the prosecutors of John, for this horrid crime, in the court of the peers of France. Thither he was summoned to repair, and not appearing, was adjudged guilty of felony and treason; and sentenced to lose all the dominions which he held of the French crown. Philip proceeded immediately to execute by force of arms the sentence given by his peers: while John, diffident of his own forces, cowardly, indolent, and voluptuous, scarce

A. D. 1202. August 1.

A. D. 1203. April 2.

* Theſe meſſengers were Geffrey biſhop of Cheſter, Richard Malebiſe, and Henry de Pudſey. In the year 1201, John of Salerno, a cardinal prieſt, and legate from the Pope to the kingdoms of Scotland and Ireland, held a council at Perth, in which canons were made. In the following year, paſſing over to Ireland, he made Ralph abbot of Melros biſhop of Down. This legate being honourably received at Melros, ſtaid there more than fifty-nights. His buſineſs was to compoſe a ſtrife betwixt the monks of Melros and Kelſo. But after making fair promiſes to both ſides, and accepting many preſents from them of money and horſes, he gave no ſatisfaction to either, but left their controverſy wholly undetermined. Ralph de Diceto, in the end of his Chronicle, (*Imaginis Hiſtoriarum*) ſays, that this legate paſſing through England, was received with a ſolemn proceſſion in the church of St. Paul's, on Sep. 1. (Ralph was dean of the church) Chron. Mailr. p. 181. Dec. Scr. c. 710.

made

made a show of resistance. After he had suffered a great part of Normandy to be subdued, he stole away to England; and Philip pursuing his conquests through an uncommonly mild winter and the following summer, reduced to his obedience the whole of Normandy. He also, soon after, completed the reduction of Anjou, Touraine, and Maine; so that nothing remained in France subject to the English, but the province of Guienne.

Will. the Lion, K. of Scotland. 1203.

To balance, in some degree, these losses, Courci the rebellious earl of Ulster, was brought over prisoner from Ireland by Hugh de Lacy, and delivered to the king, who gave Lacy the earldom. John proposed also, to make his advantage of a long and tedious sickness, under which the king of Scotland did about that time labour; and which perhaps hindered this latter monarch from attempting to recover his claims in England, while John was suffering such great disasters in France. John, in order to destroy or reduce Berwick, and thereby to lay open to himself one of the principal passages into Scotland, had begun to fortify a castle at Tweedmouth. But William twice interrupted the work, and rased it from the foundations; having taken prisoners, put to flight, or killed the workmen, and those who guarded them. These proceedings gave occasion to a personal conference between the two princes at Norham; where William defended his conduct, and probably renewed his demands of the northern counties. Nothing was agreed at this meeting, and John, in great displeasure, returned to his southern dominions.

Ford. l. 8. c. 64.

A. D. 1204.

In the two following years*, John appears to have been entirely occupied in preparations and endeavours to recover some part of his dominions in France; under pretence of which, he extorted great sums from his subjects. In the latter of the two, he passed over to Poictou in person, and had at first some successes: but the counsels and arms of his adversary beginning to reduce him to straits, he obtained, by mediation of the Pope, a truce for two years, and returned to England. Soon after his return, the unhappy monarch was engaged in a quarrel with the Pope, that distressed him more than all he had suffered before. Hubert archbishop of Canterbury dying in 1205, part of the monks of the convent there, made an irregular election of Reginald their superior; but Reginald soon falling under their displeasure, they concurred with the suffragan bishops of the province, in electing Grey bishop of Norwich, a prelate altogether agreeable to the king. Twelve monks were sent to Rome to solicit Pope Innocent's confirmation of this choice; but the pontiff vacating both the first and second election, and determining the right of election to be in the convent alone, compelled the twelve

A. D. 1205, 1206.

Oct. 13.

* In 1206 died William the ninth abbot of Melros. This was the forty-eighth year after the death of St. Walheve; and William being another Walheve in sanctity, it was resolved, that their bodies should lie together in the dust. As the workmen were preparing William's grave, brother Robert, who was a mason, by the incitement of some of his brethren, not without reluctance and much religious horror, raised a little the cover of Walheve's tomb, when lo! his nose was struck with a fragrance, as if the monument had been filled with spices. And because it was in the gloom of the evening, having brought a candle to the aperture, all who were present looked in, and saw the sacred body entire, and all its vestments as fresh and beautiful as when first put on. There were six monks and as many lay brothers, who had the happiness of gratifying their pious, though presumptuous curiosity. Ford. l. 8. c. 66.

John, K. of England. 1206.

monks who had come to his court, to choose Stephen Langton, an Englishman by descent, and at that time one of the college of cardinals. John, on receiving intelligence of these proceedings, being persuaded that the monks of Canterbury had deceived him, drove them out of their convent, and by his cruel treatment obliged them to leave the kingdom. He declared, at the same time, the most determined purpose, never to acknowledge or admit Langton; and sent a letter to the Pope full of menaces. These only animated the ambitious pontiff to hold on as he had begun. He sent powers to three of John's bishops, to lay his kingdom under an interdict; if he would not consent to receive Langton, and repair the wrongs he had done to the monks of Canterbury; both which John refusing, the bishops interdicted the kingdom and immediately after retired to the continent.

A. D. 1208.

John dreading the consequences of these proceedings of the Pope with regard to the obedience of his subjects; especially if the interdict should be followed in the usual course, by a sentence of deposition against himself, and of absolution to his subjects, from their allegiance, endeavoured to secure the

Mat. Paris.

obedience of his barons, by compelling those whom he suspected, to give him their sons, or some of their nearest relations, as hostages for their fidelity. The same circumstances moved him to endeavour to bring the king of Scotland to such terms as he judged necessary for his own security: for although it doth

Mat. Paris. Ford. l. 8. c. 69.

not appear, that any open hostilities were committed, yet there had been no good understanding between the kings, since William had given orders for demolishing the fortress at Tweedmouth. John also complained of William's giving entertainment and aids to subjects of England, who were fugitives from justice, and enemies to their king and country *. The English king came

A. D. 1209.

with a great army to Norham; and the king of Scotland informed of his approach, assembled an army no less numerous at Roxburgh. While they were in these situations several messengers passed between them, those from the king of England making many extravagant demands, with which William and his nobles absolutely refused to comply. John seemed to be much enraged, and threatened aloud, but the nobles of each kingdom, who loved peace, interposing †, the armies on both sides were dismissed; and the two kings agreed to hold a conference for settling all matters in dispute at Newcastle. Thither the king of Scotland immediately repaired; having received

* According to Trivet. John was offended at William's having married one of his daughters to the earl of Boulonge without demanding his consent. Triv. Ann. p. 153. In the long inſtrument, containing the evidences of Edward's ſuperiority over Scotland, laid before the convention at Norham in 1291, it is ſaid, that in the Chronicle of the monaſtery of Bredlington, and in ſeveral others it is found, that in the year 1209, in the month of June, John, king of England, built a caſtle at Berwick upon Tweed, (i. e. over againſt it;) and aſſembled a powerful army againſt William king of Scotland to ſubdue him, becauſe he had betrothed his daughter to the earl of Boulogne without his (the king of England's) conſent. Rymer, ii. 564. Prynne, iii. 494.

† It is probable, that William's ſons-in-law, Euſtace de Veſey who married his daughter Margery, and Robert de Ros the huſband of his daughter Iſabel, who were very powerful barons in Northumberland, and Patrick earl of March or Dunbar, who married William's daughter Ada, would exert all their influence to prevent a war between the kingdoms, the calamities of which would be ſeverely felt by their eſtates. Chron. Mailr. A. D. 1184, 1191, 1193. Margery, Iſabel, and Adda, were natural daughters of William.

hostages

hostages for his security, and being attended in his journey, as usual, by certain English nobles and great men. In his own company were his brother David, and several of the Scottish nobles. But soon after his arrival he fell suddenly ill, and a stop being thereby put to the conferences, John retired to the interior part of his kingdom, having concluded a truce with the Scottish king, until his return to his own country and the recovery of his health. Will. the Lion, K. of Scotland. 1209.

William, after his recovery, convoked a numerous assembly of his prelates and barons at Stirling, in order to deliberate concerning an answer to John's demands. This being agreed on, the bishops of St. Andrews and Glasgow, William Cuming justiciary, and Philip de Valence chamberlain of Scotland, were sent to notify it to John. But it fell so far short of John's pretensions, that it threw him into a rage; which he vented in such threats, as prompted the Scottish ambassadors to make all the haste they could in their return, to give warning of the danger that impended from England. William received this advertisement at Forfar; and while he made all kinds of warlike preparations, and moved with expedition towards his frontiers, where the storm threatened first to burst, he, at the same time, endeavoured to dissipate it, by sending repeated messages to the English monarch conceived in milder terms, and making abatements from his first claims. These concessions did not hinder John from advancing towards Scotland, with an army formidable both by the number and the kind of the forces that composed it. When John had come with his army to Bamburgh *, William was at Melrose where he remained in the abbey, while his subjects fit for war, with great alacrity, gathered around him from all quarters. Ford. l. 8. c. 70.

Notwithstanding all this show of deciding matters by the sword, the counsellors of the king of Scotland, advised him, if possible to avoid a battle, by endeavouring to give satisfaction to the king of England. The nobles in each army did again mediate between the contending sovereigns. The monarchs met at Norham, and there concluded a treaty of peace, by which John engaged † to desist for ever from attempting to erect any fortress at Tweedmouth: and William, as a compensation for the loss and dishonour sustained by the English king, in the demolition of the works that had been begun, there agreed to pay him 4000*l.* William also engaged to deliver to John, his two daughters Margaret and Isabel, to be married to John's two sons Henry and Richard ‡, when the parties of each side should come to mature years; but it was fixed, that if either of those princes or princesses should die before the marriage took place, the surviving princess should be married to Ford. c. 72. Mat. Paris. p. 191. Rym. tom. i. p. 155. Ibid. p. 375.

* Fordun says, that John having a little before made a progress into Wales, brought in his army two of the princes of that country, with near 13,000 of their men; that he had in the same army 1500 English knights, and almost 7000 cross-bows. Probably these forces were much superior to any army that the king of Scotland could bring to the field. This superiority, together with William's advanced years, frequent infirmities, and the tender age of his only son and heir, were powerful considerations to engage the Scots to make great concessions, rather than expose themselves to the hazard of a war.

† His letter containing this engagement, is in the list of papers found in the archives at Edinburgh in 1282. Rym. ii. 216.

‡ Or to English noblemen who were proper matches for a king's daughters.

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John, K. of England. 1209.

the heir of the English throne. It was farther agreed, that the merchants of Scotland should have free access to England to carry on their trade, and that the king of Scotland should possess safe and entire all his ancient honours. And in consideration of these marriages, that William should pay to John within two years 15,000 merks at four different terms *.

This treaty was confirmed by oaths, taken in name of the kings by William Cuming justiciary of Scotland, and Robert Vipont a counsellor of the king of England. All the nobles also of each nation who were present, swore to preserve the peace inviolate to the utmost of their power †. For farther security on the side of Scotland, William agreed to give thirteen hostages. And these, together with his two daughters, being soon after delivered to John's justiciary, and other commissioners appointed to receive them at Carlisle, the armies on both sides were dismissed ‡.

A. D. 1210. Ford. l. 8. c. 72.

In the following year, it was agreed, by the intervention of envoys from each prince, that the king of Scotland should resign into the hands of the king of England, all the possessions he had held of him; and that the king of England should restore these to Alexander the son and heir of the Scottish king; who should thenceforth hold them of the king of England. This was accordingly done at Alnwick; where Alexander rendered the same homage and fealty to John, that his father or predecessors had formerly paid to John, or to any of the kings of England. It was also agreed, that in time coming, instead of the king of Scotland himself, the heir of that kingdom should render fealty and homage to the king of England, for the lands and honours held by him.

1209. Aug. 7.

* In the obligation of the king of Scotland to pay this sum, (published by Rymer from the records of Exchequer, (William, agreeably to Fordun's account, engages to pay it at four different terms, *viz.* 3750 merks on St. Andrew's Day next ensuing; and the same sum at Whitsunday, and St. Andrew's Day in the year 1210; and at St. Andrew's Day in 1211. It is added, that the king of Scotland pays John that sum for obtaining the favour of his lord, and in fulfilment of the conventions concluded between the kings, and mutually confirmed by their charters (these charters are not published by Rymer, and the account of their contents given in the text is taken from Fordun and Matthew Paris): It is farther added, that William had delivered the hostages, which were already in John's hands, and were named in the beforementioned charters; excepting his two daughters, which he had also delivered to him, *exceptis duabus filiabus nostris quas ei liberavimus.* Doth this exception mean that William's daughters were not named in the charters, or, that they were not delivered as hostages? The witnesses to this obligation are, William bishop of St. Andrew's, Philip de Valence, Robert de Ros, and Robert de Vipont. And it is dated at Northampton 7th of August. Is it not probable, that the Northampton at which this paper is dated, is the village of Norham.

† Yet the Mailros chronicle says, that the peace was concluded against the mind of the Scots.

‡ Matthew Paris says, that John left the castle of Norham on the 29th of June. The Chronicle of Mailros says, that the two kings met about the feast of St. James, the 25th of July; which agrees better with the date of the obligation in Rymer. This obligation also shews, that Fordun is mistaken in placing the delivery of William's daughters and hostages, on August 16.

The Chronicle of Mailros relates, that about the feast of Martinmas 1209, the bishops of Salisbury and Rochester came into Scotland; where the one, viz. the bishop of Salisbury staid at Kelso (Kelchon); and the other at Roxburgh, each on their own expences; to whom the king of Scotland, as a mark of his regard, gave eighty chalders (celdras) of wheat, sixty-six of malt, and eighty of oats, Chron. Mailr. p. 183. Fordun relates the same story, saying, that they came into Scotland, on account of the woeful interdict under which England lay.

John

John continuing obstinate in his opposition to the Pope, and exercising great cruelties against all, whether clergy or laity, who paid any regard to the interdict, brought upon himself a sentence of excommunication, which was first published against him in France, and afterwards in his own kingdom. In these circumstances he strove to support his reputation, and at the same time to find employment for his warlike and discontented vassals, by expeditions into Ireland and Wales; in both which he was very successful. But that his security might not depend wholly on violence, he chose to cultivate peace on the side of Scotland, and for that purpose held a new conference with William at Norham, where Ermengard the Scottish queen was present, and greatly promoted the intention of the meeting by her soft and insinuating address. The terms of the late peace were here confirmed *; and it was farther agreed, that the princes should maintain each other in all their just quarrels, and that the survivor should protect and aid the other's heir, as if he were his own son. It was also agreed, that within six years, the king of England should give to Alexander the king of Scotland's son, a wife, of suitable qualities and rank †. And as a fresh bond of amity, and earnest of future favours, Alexander, who was then in the fourteenth year of his age, being sent by his father to London, received there from the king of England, the honour of knighthood, which was at the same time conferred upon twenty English youths of high rank.

Will. the Lion, K. of Scotland. 1211.

Ford. l. 8. c. 72, 77. Mat. Paris.

1212. March 8th.

The sentence of excommunication issued by the Pope against John, not sufficing to bring him to obedience, was followed by another, absolving his subjects from their allegiance, and commanding all persons to withdraw from his company, under the penalty of being excommunicated. The king of France and other princes were, by the same authority, required to attack his dominions, and distress him as an enemy to the church. Lhewellyn prince of North Wales, was enjoined to invade England; and was absolved from the homage he had paid and the oaths he had taken, on his concluding a peace with John, in the preceding year. John commanded the hostages he had then received, which were about thirty of the sons of the chief nobility of Wales, to be put to death; and having assembled a numerous army, purposed to lead it into Lhewellyn's dominions, in order to destroy them with fire snd sword. But he was hindered from accomplishing his purpose, by informations conveyed to him from different hands, of which the king of Scotland was one, that a conspiracy was formed against him; and that if he proceeded in his expedition, he would either be killed by some of the nobles in his own army, or delivered up to the enemy. About the same time, he also learned, that the Pope had absolved his subjects from their oaths of allegiance; which

Mat. Paris.

* This treaty was confirmed by the seals of the kings, and of the prelates and nobles of each kingdom, and sworn to, for the king of England, by William de Harterad his cupbearer, and for the king of Scotland, by Allan of Galloway constable of Scotland. Ford. l. 8. c. 77.

† Hoveden says, the king of France had promised to give his daughter by Agnes de Miranie, in marriage to Alexander prince of Scotland: Agnes was Philip's third wife, whom the Pope obliged him to repudiate Sept. 7, 1200. The princess her daughter, was only five years old on the day her mother parted from the king. Hoveden, p. 810. The case was, Philip wanted, by all means, to secure William in his interest, that he might carry on his ambitious projects against John, without any molestation from William.

rendering

John, K. of England. 1212. Mat. Paris.

rendering the other intelligence sent him more credible, he dismissed his forces and retired to London. He thence sent messengers to all his nobles whose fidelity he suspected; requiring them to send to him their sons, nephews, or other relations, as hostages. The dread of his power and cruelty made all of them comply, except Eustace de Vesey and Robert Fitzwalter; who being particularly accused as principals in the abovementioned conspiracy, and in great suspicion with the king, left the kingdom; the former retiring to Scotland *, and the latter to France. John immediately commanded their estates and moveables to be confiscated for his use, and their castles to be destroyed. Among these latter, a particular command was given to demolish Vesey's castle of Alnwick. John also wrote to the king of Scotland, requiring the restitution of Vesey as a fugitive felon: but William would not betray a man who had put himself under his protection, was so nearly related to him, and had not been convicted of the crime laid to his charge.

Dugd. Peer. vol. i. p 92. from John's parents. Ford. l. 9. c. 5.

John was not only in the utmost hazard of the rebellion of his own subjects, but being also threatened with an invasion from France, for which Philip had been making open and very formidable preparations, was still intent to secure himself on the side of Scotland. With this view, he came again to Norham, in the following year; having appointed a meeting there with the king of Scotland, in order to cement more indissolubly the peace between the kingdoms. William, who had been lying sick at Newbottle, endeavoured to make good his engagement to meet John, but was not able to proceed farther than Haddington. This being notified to the English monarch, he requested William to send to him his son Alexander, tempting his compliance by many fair promises. But though a few of William's counsellors, who favoured the king of England, were of opinion, that the prince should be sent; yet the greater part judging differently, it was refused, under pretence of Alexander's youth and inexperience, which rendered him unfit for treating of the affairs of the kingdom, or for answering John's inquiries about them. But what chiefly weighed with them, was their apprehension, that if John got the heir of their kingdom into his power, he would make no scruple of detaining him, at least, until he exchanged him with Eustace de Vesey. John, thus disappointed of his aim, returned hastily into his own kingdom; the circumstances of his affairs by no means allowing him to indulge his resentment by open hostilities.

A. D. 1213. Ford. l. 8. c. 78.

Matters were now come to a crisis with this unfortunate monarch. The Pope proceeded to depose him; made a formal donation of his kingdom to the king of France, and ordered a croisade to be published against him in France, and other places of Europe, with the same indulgences that were wont to be given in expeditions to the Holy Land. John assembled a great strength for his defence both by land and sea; but the many injuries he had done his subjects, and their awe of the papal fulminations, gave him the juster grounds to doubt of their fidelity. In these circumstances, he could discover

* Fordun says, that Vesey went to John's court; but being warned, that he was to be seized by the king the following day, he fled to Scotland together with his wife and son; and that he was followed thither by many of his dependants, bringing with them their horses and arms, and other moveables, that they could most easily carry off. Ford. l. 9. c. 5.

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no source of safety, but in making his peace with the Pope; and the legate Pandolph, availing himself of his distress, made him pass from the extreme of obstinate rebellion, to that of plain subjection and dependence, by solemnly resigning his kingdom to the papal see; and receiving it back, on condition of remaining the Pope's vassal, and paying to him as such, an annual pension of 700 merks for England and 300 for Ireland. From this moment, John obtained all the protection and aid the holy father could give. His thunders were now levelled against Philip; but had not sufficient force to make that monarch abandon a prospect, so flattering to his ambition, as that of the conquest of England. John, however, was delivered from this danger, by his fleet: which, under the conduct of William Longsword earl of Salisbury, and Renaud count of Boulogne, destroyed a very great part of the French navy, on the coast of Flanders; and thereby made it impossible for Philip to transport into England the numerous army he had collected for invading it.

Will. the Lion, K. of Scotland.

1213.

May 15th.

Instead of receiving an attack in his own kingdom, John, encouraged by his great successes at sea, and by the protection of the Pope, undertook to recover his possessions in France. The refractoriness of his barons delayed, for several months, the expedition he intended for this purpose. But persisting obstinately in his resolution, he passed over to Guienne in the following winter *; and being joined by some powerful French lords, made no small progress in the reduction of Poictou and Anjou. Louis, the eldest son of the French king, gave the first check to the farther progress of his arms, and having afterwards defeated, in the battle of Bovines in Flanders, a mighty army commanded by the Emperor Otho, and others of John's most powerful allies, this monarch was obliged to resign all his late acquisitions in France; and having, by the mediation of the papal legate, concluded a truce with Philip, for five years, returned to England in the beginning of winter.

A. D. 1214.

July 27th.

Oct. 19.

The immediate consequence of John's peace with Rome, had been the admission of Langton to the see of Canterbury, and the restoration of the exiled bishops. The damages which these prelates and other churchmen had sustained, being compensated at the sight of the Pope's legate †, the interdict under which the kingdom had continued more than six years was removed; and John, as the Pope's vassal, enjoying his immediate and special protection, seemed to be no longer in hazard of molestation from churchmen. But Langton, actuated either by a zeal for liberty and right, or by a strong resentment of the obstinate opposition that had been made to him by the king, raised a storm against him more terrible than any he had hitherto struggled with. This prelate made the barons acquainted with a charter of liberties, which Henry I. had granted to their ancestors, instigated them to claim these liberties at the

* When he was about to set out on this expedition in Summer 1213, he ordered the earl of Winchester, who had the keeping of the hostages of the king of Scotland, to send them to him at Portsmouth, Rymer, tom. i. p, 174. In 1214, he gives a discharge to William de Harecurt, for two hostages of the king of Scotland, Thomas de Coleville, and Gervase Avenel, who had been in the keeping of Harecurt, and were delivered to the king at Corff 28th April 1214. Rym. ibid. 184.

† The lands also of those barons who had been forfeited, for adhering to the Pope against their sovereign, were restored to them, in particular those of Eustace de Vesey. Dugd. Peerage, vol. i. p. 92.

John, K. of England. 1215.

hand of John, and engaged them to swear, that they would do so on a proper occasion. Other concerts and engagements arose from this beginning; and the result was, that a very numerous body of barons, did, in the end of the Christmas holidays, formally demand of the king the renewal and execution of the charter abovementioned, and also, of certain laws of king Edward the Confessor that were of the same scope *. Among the principal heads of this combination, were certain powerful barons of the north; who had refused to accompany the king in his intended expedition to Poictou in 1213, and also to pay the scutage imposed for defraying the expence of the expedition which he actually made thither in the preceding year. After various delays and unavailing expedients to evade their request and disappoint their enterprise, John was at last obliged to grant to them the celebrated charter of liberties, commnonly known by the name of Magna Charta, and also the charter of Forests. And as the barons could not by any means confide in the king for making good what they had extorted from him, they farther obliged him to consent to a nomination of twenty-five of their own number, to be conservators † of the privileges granted by the charters; and who for that effect, were invested with such extensive powers as almost annihilated the regal authority.

June 15th.

John was too haughty, and too much accustomed to tyrannize, to submit long to such restraints. To hide his shame, and more safely to carry on measures for regaining his lost authority, he retired to the Isle of Wight. He sent agents to Rome to solicit the help of the Pope, and others to various places of the continent to hire foreign forces, whom he allured into his service with the prospect of the spoils of his rebellious barons. The Pope readily absolved him from the oath by which he had confirmed the charters, excommunicated all disturbers of the peace of his kingdom, and censured the archbishop. About Michaelmas, John's foreign mercenaries having arrived at Dover, he began to attack the castles, and lay waste the estates of his barons. In this work he had great and rapid success, being much aided by the papal fulminations. Having subdued many places of strength in the neighbourhood of London, he left a part of his army to maintain and extend his acquisitions in that quarter, and marched with the remainder of it against the rebellious barons of the north.

1214. Dec. 4th.

William king of Scotland, exhausted by age and infirmities, died in the end of the preceding year, and was succeeded by his son Alexander II. a youth

* This combination was much promoted by the many injuries and dishonours John had done to his barons, by vitiating their wives or daughters. Hemingford, and from him Knighton, relates an attempt of this kind he made on the wife of Eustace de Vesey, by means of a ring he had got from her husband. Vesey by a lucky accident, discovering the king's intentions, preserved his wife from abuse; and instead of her, conveyed into the king's arms a common strumpet. Vesey himself informed the king of this deceit, and thereby provoked his highest resentment; to defend himself from the effects of which he combined with other injured or discontented lords. Knighton, ap. Dec. Scr. 2422 Knighton calls Vesey *nominatissimus baro et strenuissimus miles.*

The barons of the north, in this combination, were Eustace de Vesey Richard de Percy, Robert de Ros. Peter de Bruis, Nicholas d'Estouteville, William de Moubrai, and Oliver de Vaux.

† Among these conservators, were Eustace de Vesey, Robert de Ros, Richard de Percy, William de Moubrai, and Roger de Moubrai.

not

not much more than fifteen years of age. To this young king the barons of Northumberland * had recourse for protection against John: and in order to obtain it, they did homage to Alexander at Felton. The Scottish King, immediately on receiving this homage, invested the castle of Norham with all his forces; but, after lying before it forty days, was obliged to raise the siege †. John greatly incensed at these proceedings, pursued his march northwards, in the depth of winter, with much expedition. The barons of Yorkshire, who had been in the combination against him, had the same recourse with their neighbours in Northumberland. They came to the king of Scotland at Mailros, and did homage and swore fealty to him, in the chapter-house of the monastery: John, fast following them, destroyed by fire and sword their houses, towns, and estates. Some of their houses and corn the barons themselves had destroyed before John's arrival, in the view of distressing him by want of provisions. By these means a great number of places were burnt; among which were, the towns of Milford and Morpeth, Alnwick, Wark, and Roxburgh ‡.

Alexander II. K. of Scotland. 1215. Chron. Mailr. Oct. 18.

On the day that preceded the burning of Roxburgh, John took the town and castle of Berwick; where he and his mercenaries perpetrated the most barbarous cruelties. For, in order to extort from the inhabitants a discovery of their money and goods, they hung up both men and women by the joints of their hands and feet, and inflicted on them various other tortures §. Advancing thence into Lothian, he burnt Dunbar and Haddington, with some other places of smaller note. Alexander having drawn together all the power of his kingdom, encamped on the river Esk, near Pentland; by which way the Scots expected the king of England would return into his own kingdom. But John, not choosing to risk a battle ||, returned by the way he came, marking his road by new feats of rapacity and cruelty. The abbey of Coldingham, which had been spared in his march into Lothian, was, on his return, plundered by his mercenaries. They also burnt the town of Berwick, the king himself disgracing majesty by setting fire, with his own hand, to the house in which he had lodged. These outrages were quickly returned by an inroad

A. D. 1216. Jan. 15.

Ford. l. 9. c. 28.

Chr. Mailr.

* In the distributions made by the barons, of the government of the counties, in preparing to resist John, Robert de Ros, the Scottish king's brother-in-law, was intrusted with the government of Northumberland.

† Fordun says, that having soon granted a truce to the besieged, he led his army into Northumberland; subduing the country, and receiving the homage of its inhabitants. Ford. l. 9. c. 28.

‡ M. Paris's account of John's expedition into Scotland at this time, is in the following words: "Deinde rex, ira succensus, vehementi apud partes Scotiæ tendebat cismarinas, et captis castris de Berwic et aliis quæ videbantur inexpugnabilia, improperavit regi Alexandro, et quia erat rufus, significavit ei, dicens, Sic sic fugabimus rubeam vulpeculam latibulis suis. Multum igitur ibidem stragem et exterminium exercuisset, nisi eundem necessitas magna dilationem non capiens revocasset." Mat. Paris, 232.

§ He is related to have had Jews attending his army, who were the directors of these barbarities. Chr. Mailr.

|| So Fordun represents the matter: but it is not probable that the Scots, would in the circumstances of the kingdom at that time, think of risking a general engagement: and the Mailros Chronicle, which gives the most particular account of this expedition, doth not mention any such design.

John, K. of England. 1216.

of Alexander into the northern parts of England; through which he is said to have penetrated as far as Richmond; receiving, as he passed, the submission of the inhabitants of the bishopric of Durham. He bent his way homewards through Westmoreland and Cumberland, ravaging and destroying the country through which he passed, the Scots in his army acting with the same undistinguishing ferocity, as John's foreign mercenaries *.

Notwithstanding the spirit shewn by the young king of Scotland, his aid did by no means suffice to support the combined barons against John's warlike mercenaries, and the spiritual artillery of the Roman see. Being soon reduced to a desperate situation, they had recourse to a remedy still more desperate; making an offer of the crown of England to Louis, son and heir of Philip king of France, on condition that Philip should support them with all his might against their own dreaded and detested sovereign. Their offer was accepted; a body of French troops was transported to England; Louis, with many more in addition to these, followed soon after in person; and John, deserted by many of his mercenaries, who were vassals of France, and refused to fight against their lord, was quickly reduced to new difficulties.

Louis, now master of a great part of the kingdom, summoned all the English prelates and nobility to assemble at London, in order to do him homage. The king of Scotland was also summoned, as a vassal of the English crown. In compliance with this call, Alexander marched into England, over the western march, carrying with him a considerable army †. In his way to London he took the city of Carlisle ‡, but was not able to reduce the castle. From Carlisle he marched quite through England, to its opposite corner, where Louis was employed in besieging the castle of Dover. Alexander committed depredations, as he advanced, on the lands of king John and his friends, but spared those of the opposite faction. In passing through the county of Durham, the king, and northern barons who attended him, came before Barnard's castle, which belonged to Hugh de Baliol §: and while they were reconnoitering it, Eustace de Vesey received a mortal wound by the shot of a cross-bow from its walls ‖. This was a very afflicting stroke to his brother-in-law king

Aug. 8.

* The Scots pillaged the abbey of Holmcultram in Cumberland, as John's soldiers had done that of Coldingham. The Melrose chronicler represents the Scots, *i. e.* the Highlanders, as having committed every thing sacrilegious and inhuman, in spoiling this monastery; as a judgment for which, more than one thousand nine hundred of them were drowned in the Eden, as they were returning with their booty.

† The Chronicle of Mailros says, that he had all his army with him except the Scots, from whom he took money in lieu of their service.

‡ The Mailros Chronicle says, it was surrendered to him; and perhaps this surrender was in obedience to an order from the baron's of Louis's side, to the chief men of Carlisle, to surrender it to Alexander. The title of this order is in the catalogue of papers in Sc. Arch. in 1218. Rym. ii. 217. The Melrose Chronicler adds, that he did not take *(non expugnavit)* the castle *(ea vice)* implying, that he did it afterwards.

§ Returning from his expedition into Scotland, John had committed the government between the Tees and Tweed to Hugh de Baliol and Philip de Ullecotes; assigning them a number of knights and armed men sufficient for its defence.

‖ The Chronicle of Dunstable says, that Barnard's castle was attacked by an army raised by the northern barons, and that Eustace de Vesey being there slain, their party was utterly discouraged, and

king Alexander, and a heavy blow to the cause of the rebel barons in the north. Alexander coming to Dover, did there pay homage* to Louis, for the possessions which he had a right to hold from the king of England: and both the barons and Louis did, on this occasion, when his help was so necessary, expressly recognize Alexander's right to the counties of Northumberland, Cumberland, and Westmoreland †. Louis and the barons did also swear that they would make no peace with John, without including the Scottish king. After having remained fifteen days with Louis, Alexander set out on his return to his own kingdom. His march was retarded by the opposition of some of John's forces, who did what they could to obstruct the passage of the Scots over the Trent. But these difficulties were removed by the death of John at Newark upon that river; which was commonly ascribed to his grief for the loss of his regalia, baggage, and treasure, in passing over from Lynn in Norfolk to Lincolnshire. Alexander, as is related by Fordun, is said to have plundered the camp of the forces of the deceased king, taking advantage of the confusion they fell into upon the king's death; and being enriched with their spoils, returned safe to his own country.

Alexander II. K. of Scotland.

1216.

Mat. Paris. p. 241. Chr. Mail. Ford. l. 8. c. 29.

Oct. 19.

Ford. l. 8. c. 29.

Henry III. John's eldest son, was little more than nine years of age, when his father died. His tender years exempted him from having any part in his father's guilt: and the charge of him and the kingdom was, by the few nobles who continued faithful to the late king, intrusted to William Mareschal earl of Pembroke, a man illustrious for fidelity, wisdom, and courage. On the other hand, prince Louis, and the great men of France who attended him, had conducted their affairs imprudently, and disgusted many of the English of their party, by their arrogance and falsehood. Young Henry had the farther advantage of having all the clergy on his side, with Gualo the Pope's legate at their head; by whose authority the sentence of excommunication was fulminated, on each Sunday and holiday, in all the parish churches of England, against Louis and all his adherents. The advantage arising from this source was so considerable, that the nobles on Henry's side allowed him, at his coronation, to take the same oath of fealty to the see of Rome which his father had taken four years before. There was soon a great defection of the English barons to their natural prince; and a total defeat given to Louis's army at

Henry III. K. of England.

Oct. 28.

and their forces diſperſed. Carte. Upon the death of Euſtace, the one moiety of all his land was beſtowed by John on Philip de Ullecotes. William Euſtace's ſon and heir, being ſent by his widow to the earl of Pembroke, ſoon afterwards created regent of the kingdom, a grant was made of the wardſhip and marriage of the young nobleman to the earl of Saliſbury, king Henry the Third's uncle, and the cuſtody of the caſtle was committed to Richard de Moriſco biſhop of Durham. William was married to the earl of Saliſbury's daughter; and in 10th of Henry the Third he obtained livery of all his lands, and alſo of the caſtle of Alnwick, which was then in the hands of Everard de Tyes. In 29th of Henry III. he procured a grant of five bucks and ten does, to be taken out of the king's foreſts in Northumberland, to ſtore his park at Alnwick. Dugd. vol i. p. 93.

* The Chronicle of Mailros ſays, that this homage was paid at London: but it is certain that Louis began the ſiege of Dover on July 22. M. Paris's words are: *Eodem tempore, menſe Auguſto, Alexander rex Scotorum apud Doveram exercitu magno, propter metum regis Joannis, veniens, fecit homagium de jure ſuo quod de rege Anglorum tenere debuit.*

† This appears from the titles of papers relating to this affair, found in the Scottiſh archives in 1282. Rym. ii. 217., And. Sc. Ind. App. No. 26.

Lincoln

Henry III. K. of England.

1217.

Lincoln in the ensuing May, followed by the destruction of a fleet which was bringing him over a great reinforcement from France in August, reduced him to a necessity of abandoning England. By the interposition of the legate, a treaty was concluded in an island of the Thames near Kingston, by which a safe retreat to his father's kingdom was secured to Louis, upon his renouncing all his claims in England. At the same time, for the sake of restoring the public quiet, very favourable conditions were granted to the English barons who had adhered to the French prince. The king of Scotland was also declared to be included in this peace, on condition of his restoring to the king of England all the castles, prisoners, and lands, he had seized in the course of the the war: the king of England obliging himself to make the like restitution on his part, to the king of Scotland.

May 20. Aug. 23. Sept. 11. Rym. tom. i. p. 221.

Alexander had, in fulfilment of his engagements with Louis, entered Northumberland in May, and laid siege to the castle of Midford; but after besieging it for a week, he returned to his own kingdom; having probably received intelligence of the overthrow of Louis's army at Lincoln. Philip de Ullecotes and Hugh de Baliol were encouraged by this overthrow, and Alexander's retreat, to assemble forces for making an inroad into Scotland; of which Alexander being advertised, did again collect an army from all parts of his dominions, and led it towards Northumberland, in the beginning of July. Concerning the events of this expedition we are not informed: but Alexander, still intent to succour his ally, did again raise an army in Autumn, and having come with it to Jedburgh, received advice of the peace concluded between Louis and the king of England; upon which he dismissed his army, and continued, for the sake perhaps of speedier intelligence from England, at the place last mentioned, all the month of September.

Chr. Mailr.

July 4.

Ford. l. 9. c. 31.

The alliance of Alexander with Louis, and the open exertion of his power on that side, had brought upon himself, his clergy, and people, the highest censures of the Roman see*: but upon his accepting the peace between Louis and Henry, the legate consented to absolve him from his excommunication. He gave powers for that effect to the archbishop of York and bishop of Durham, who came to Alexander at Berwick, and there gave him absolution †. Three days after, the king's mother received the same privilege from the bishop of Durham. Immediately after the king's absolution, the archbishop

Chron. Mailr.

Dec. 1.

* Fordun enumerates the reasons of excommunicating the king of Scotland and those of his kingdom. These were: The intercourse which that monarch and his subjects held with king John, during the interdict of the kingdom of the latter; the Scottish prelates admitting to their communion the king of Scotland and his army, who had fallen under the sentence of the Lateran council, which excommunicated all the enemies of John, who was then reconciled to the Roman see, and had become its feudatory; the favour shewn by the king of Scotland to prince Louis of France; the king of Scotland's destroying the castle of Tweedmouth, over against Berwick, although that castle was rebuilt contrary to the oath of king John; and finally, Alexander's refusal to restore Carlisle at the request and command of the legate. Ford. l. 9. c. 31.

† Fordun says, that the king, and all the laymen who attended him, received absolution at Tweedmouth.

There is a bull of Pope Honorious III. dated Jan. 17, this year, annexed to Edward the First's letter to Pope Boniface, in 1301, wherein he severely censures Alexander's defection from his natural lord, and the Roman see, and admonishes him to return to his duty. Ford. l. 11. c. 44.

set

Henry III. K. of England.

set out for Carlisle to receive, by virtue of an order from Alexander, the surrender of the castle of Carlisle *. At the same time Alexander, being conducted by the constable of Chester, who was for that purpose ordered to attend him at Berwick, went to the English king at Northampton; where he performed homage for the county of Huntingdon, and the other lands that his predecessors had held from the kings of England.

1217. Rym. tom. 1. p. 221. Dec. 23.

In the beginning of the following year, the legate gave a commission to William Prior of Durham, and Walter de Wisbech, archdeacon of the east riding of Yorkshire, to absolve the church and people of Scotland from the excommunication and interdict they had been laid under. But out of this commission were excepted, the bishops, and clergymen of higher rank, and of large benefices; to whom their power of absolution did not extend. The prior and archdeacon, entering Scotland by Berwick, made a progress as far as Aberdeen; and on their arrival in the several towns which they visited, they commanded the clergy in the neighbourhood, both secular and regular, to attend them; and having first obliged them to swear obedience to the legate, and to make an ingenuous confession of all matters concerning which they were asked, they absolved them, standing barefoot before the doors of the churches or abbies, in which they had assembled. The commissioners were every where sumptuously entertained †, and their favour was courted by great sums of money, and many presents. The fleecing of the dignified clergy the legate reserved to himself: with this view, he required them to meet him about Easter at North-Allerton; where he gave absolution to some who satisfied his demands; obliged others to repair to the court of Rome to be absolved there, and passed on others sentences of suspension, or deposition, as the different degrees of obstinacy in the persons accused, or his own views of gain, dictated. The Distertian, or white monks, incurred his high displeasure, by pleading against his legatine authority, the privileges and exemptions of their order. His sub-delegate Wisbech, by Gualo's authority, first interdicted them from the discharge of divine offices, in their several monasteries; and afterwards, holding a council at Berwick, on Palm Sunday, and the day following, where were present many prelates and other clergy, he passed a sentence of excommunication against those monks, and all who communicated with them. To pacify the wrath of the tyrannical legate, notwithstanding their claims of privilege and repeated appeals to Rome, they were obliged, for a time, to abstain from sacred offices, or entering any church. But the bishop of St.

A. D. 1218, Chr. Mailr. p. 195, 196. Ford. l. 9. c. 31, 32, 33.

* So it is expresly called in Chr. Mailr. And Fordun says, that Alexander, after having taken the town of Carlisle, besieged the castle; and the latter being surrendered to him after a long siege, he strengthened its fortifications. Fordun does not mention the time when this happened. Ford. l. 9. c. 30.

† When they had come, on their return, to the abbey of Lindoris, the bed chamber where the prior lodged was accidentally set on fire, by the carelessness and rioting of those who had the management of the wine. The prior was almost suffocated with the smoke, and was thrown into a langour which soon cut him off. He was, with difficulty conveyed to Coldingham where he breathed his last, on the 13th of May. This circumstantial account of the place and time of the death of prior William, seems to deserve more credit than the index in the Cotton library, quoted by Wharton, according to which, he died in 1214. Ang. Sacr. p. 788.

Chron. Mailr. p. 196.

Andrews,

Henry III. K. of England. 1218.

Andrews, soon after, was commissioned to absolve them, upon their giving an oath to stand to the judgment of the church, and the commands of their lord the Pope, with a salvo to their order and privileges. The complaints, however, of this order, and the interest of their abbots at the Roman court, proved too strong for Gualo. He was recalled in the latter part of this year; and Pandolf, bishop of Norwich, was appointed legate in his stead.

A. D. 1219.

In the following May, the king and kingdom of England sustained a great loss, in the death of the earl of Pembroke, who, in executing his office of regency, was alike faithful to his sovereign, and to the rights of his fellow-subjects, as declared by the two famous charters. He was succeeded in his charge, by Peter bishop of Winchester, and Hugh de Burgh, chief justiciary.

Rym. tom. i. 228, 235.

Soon after their entering on the administration, a meeting was held at Norham, before the Pope's legate, between Alexander king of Scotland, and Stephen de Segrave, who appeared there as procurator for the king of England. The design of this meeting, was to treat of certain causes and controversies between the kings of England and Scotland, relative to the treaty concluded between John and William, the fathers of the present monarchs. The king of Scotland had submitted the matters in question, and the whole obligation of the treaty*, to the judgment of the Pope; who, by a special mandate, gave his legate full powers, after due consideration of the tenor and circumstances of the treaty, to confirm or abrogate it as he should judge right. At the meeting above-mentioned, a day was appointed, at the distance of three months, for negociating a treaty of peace between the kings, in the presence of the legate, wherever he should then happen to be; and if such a treaty could not be concluded, the matters in controversy were to be tried, and decided according to justice.

Nov. 2.

We have no accounts transmitted to us of the progress, or of any other circumstances of this negociation, beside those above related; but it probably issued in the convention concluded at York, in the following summer, between the two monarchs, who met there in person. At this meeting, Henry gave his obligation to Alexander, to give him in marriage his eldest sister Jane, at the feast of Michaelmas, if she should at that time be restored by the count de la Marche, who had received her when ten years old from her father, in the view of marrying her, when she came to maturity; but, since her father's death, had married her mother, and yet would not restore Jane. In case Henry could not, at the term agreed, give the king of Scotland his eldest sister, he engaged to give him his second, Isabel. By the same deed he engaged to find, within a year after the feast of St. Dennis, suitable matches for the king of Scotland's two sisters, who had remained in England from the time they were delivered to king John by their father William, or if they were not married within the time prefixed, he promised to restore them to their brother. The king of Scotland did, on the other hand, oblige himself to take to wife Jane, at the term above-mentioned, or her sister Isabel, if Jane was not then restored to her brother. Henry applied to the Pope for his aid, to reco-

A. D. 1220. June 15.

Rym. tom. i. 240, 241.

* A copy of the letters (or deed) of the king of England, containing the articles of this treaty, under the seals of the bishops of St. Andrews, Dunkeld, and Caithness, had been transmitted to the Pope.

ver

Alexander II. K. of Scotland.

ver his eldest sister from the count de la Marche; and the count delivered her after being put in full possession of his wife's jointure. The king of Scotland waited her return to England; and was married to her at York *, in the following summer; and, not long after, his eldest sister, Margaret, was married to Hubert de Burgh, guardian of the king and kingdom of England, and chief justiciary †.

A. D. 1221. June 25. Mat. Paris. Ford. l. 9. c. 34.

The tendency of these connexions was to preserve peace between the kingdoms; and the effect seems to have corresponded, while Hubert de Burgh maintained the chief direction in the administration of public affairs in England. This continued for more than ten years, notwithstanding several efforts of the jealous and headstrong barons to eject him. During this period, Alexander farther strengthened his interest in England, by marrying his sister Isabel to Roger Bigod the young earl of Norfolk; of whom, being yet a minor at the time of his marriage, Alexander purchased the wardship from the king of England, for the sum of 500 merks. Two years after, an alliance of much greater consequence was in agitation, between Richard earl of Cornwal, the king of England's only brother, and Marjory, the king of Scotland's youngest sister. With this view, Richard came in person to visit the Scottish king; and having made a progress with him, through the south-eastern part of his dominions, proceeded to Kinghorn, where the princess resided with her mother. But the match being disagreeable to the king of England, and Richard's demands of dowry being thought too high, king Alexander, after having treated him with the greatest kindness and respect, did, by the advice of his nobles, dismiss him, without agreeing to his proposals ‡.

Rymer, vol. i. p. 278. Dugd. Baronage, vol. i. p. 133. A. D. 1225.

A. D. 1227. Ford. l. 9. c. 46.

A few

*Alexander settled on his spouse lands of the value of a thousand pounds of yearly rent *(has terras subscriptas pro milibus libratis terræ)*: these were Jeddlewurth, Lessedwin, with their dependencies; and in Scotland (in *Scotiae* so instrument) Kingor (Kingorn), and Carrail, with their dependencies. The queen dowager was in possession of the two latter; and in case both the queens should survive the king, and the queen dowager would not resign to her daughter-in-law Kingorn and Carrail, a provision was made for the latter, of other lands in lieu of these. Rym. tom. i. p. 252.

For the observation of the articles of this contract, *fideliter et bona fide*, the following persons bound themselves and heirs; William bishop of St. Andrew's, Walter of Glasgow, William de Bosch, chancellor, the prior of Cesdeugh (Is it Coldingham?), earl Patrick, William Cumin, earl of Buchan, justiciary of Scotland, Robert de Lond, Walter, son of Alan Stewart, Robert de Bruis, Walter Olifard, justiciary of Laodonia, Engel de Baill, Philip de Moubrai, Henr. de Baill, Joh. de Maccuswell; fourteen in all.

The Chronicle of Dunstable says, That Henry did also, about this time, remit Alexander a debt of 5000 merks. Carte, vol. ii. p. 17.

† Hubert de Burgh became sole regent of the kingdom, and guardian of Henry's person, in consequence of Peter bishop of Winchester's taking the cross, and setting out on an expedition to the Holy Land. This happened September 19; and according to Fordun, Hubert de Burgh married Margaret, the king of Scotland's sister, on the Sunday after Michaelmas. Ford. l. 9. c. 34.

Margaret had a daughter and heir, called Magota, who died without heirs. The name of William's second lawful daughter, was Isabella, and of his third Marjory; neither of whom had heirs of their body.

‡ In 1227, on the day of Pentecost, Alexander conferred the honour of knighthood, at the castle of Roxburgh, on his kinsman, John Scot, earl of Huntingdon, the son of his uncle, earl David. The same honour was conferred, at the same time, on several other young noblemen. Earl David died in 1219, leaving John, his only surviving son and heir, a minor; of whom his uncle by the mother, the earl of Chester had the tuition, with an annuity for his maintenance.

Henry III. K. of England.

A. D. 1231. Mat. Paris, p. 312.

A. D. 1232.

A. D. 1233.

A. D. 1234. June 24.

Rym. i. 328.

Rym. i. 334. Ford. l. 11. c. 44.

A. D. 1235. Jan. 4.

A few years after, King Henry himself sought in marriage the same lady *; and for effecting this alliance, did agree on certain conditions with her brother. But the nobles of England, with the earl marshal at their head, vehemently opposed this marriage; alleging, that it was unworthy of the king to marry the younger sister, when the elder was married to Hubert de Burgh; and their remonstrances induced the king, though reluctant, to violate his engagements. Not long after, Peter des Roches, bishop of Winchester, returning, with glory and riches, from an expedition into the east, supplanted Hubert in the favour of his master; and prevailed with the weak incautious monarch to strip him of his great offices, and to treat him with extreme rigour. In the year following, happened the death of Ermengarde, queen dowager of Scotland; whose influence with her son was probably employed to maintain peace with England. To these events may be added the expiration of a truce, between England and France, which was not long in succeeding them; and to some, or all of these, as sources, may be ascribed the dissensions that began, about this period, to arise between the kings of England and Scotland.

The first trace that now appeareth of these dissensions, is the king of England's *sustaining and approving* of an *appeal*, which the archbishop of York was about to make against Alexander, king of Scotland, for causing himself to be crowned, in prejudice of the king of England's royal dignity, and of the liberty of the archbishop and his church. The claim of sovereignty over Scotland, thus revived, application was made by the court of England, to Pope Gregory, to employ his authority to confirm it. It was represented to the Pope, by the agents of Henry that the liege homage and fealty, which was rendered to the king's grandfather, Henry II. by William king of Scotland, in consequence of the captivity of the latter, did continue due, and had been accordingly, ever since, paid by the kings of Scotland to those of England †; that this fealty was due, not only by the king, but by the earls and barons of Scotland, to the king of England and his successors; that the Scottish earls and barons were obliged to join with the kings of England, against those of Scotland, if the latter broke their fealty: farther, that when the vassals of the one king, fled from justice to the kingdom of the other, this other king, or his vassals, should not reset them in their lands; and that the vassals of either should hold the lands they possessed before this convention in the kingdom of the other. These articles, the Pope mentions in a bull, addressed to the Scottish king; and admonishes him to observe them; as his doing so, would greatly conduce to the peace and tranquillity of both kingdoms. With the same view, a bull of the same date, was sent to the archbishop of York, and

But Alexander, king of Scotland, obtained, after David's death, a grant from Henry of the honour of Huntingdon with the caſtle and town of Fotheringay, ſaving the right of John, David's ſon. Upon his attaining full age, which was in the ſame year that he was knighted at Roxburgh, he had his lands delivered to him.

* Fordun calls the princeſs, courted by Richard, Margaret; but Margaret was married in 1221, to H. de Burgh. And it is evident from the treaty before the legate Otho, in 1237, that the princeſs courted by Henry, was called Marjory.

† The articles here mentioned, are all contained in the treaty of Falaiſe, in Henry the Second's time, an account of which is given above, p. 99.

bishop

bishop of Carlisle; requiring them to use their utmost diligence, to engage the king of Scotland to perform, what he owed, to his brother of England. Alexander II. K. of Scotland. 1235.

In the progress of the year wherein these bulls were issued, Alexander was successful in suppressing a rebellion in Galloway, which had arisen the year before, in consequence of the death of Alan, the powerful lord of that region. The fierce inhabitants chose rather to become subject to a bastard-son of their late lord, than to have their country divided amongst his three legitimate daughters, or their husbands; whose just claim Alexander supported by his authority. But his commands being despised by the Galwegians, who were joined by many from Ireland and the Isle of Man, the king led in person an army against them; and, though attacked in a dangerous situation repelled, and totally routed the rebels. The bastard, having escaped from this battle, fled into Ireland; and failed in a new attempt, by an invasion from thence, to make good his claims; for as soon as it was known, that he, accompanied with his friend Gilrodh, had landed in Galloway, Patrick earl of March, at the head of his army, together with Adam, abbot of Mailros, and Gillibert, a monk of that convent, who was lately made bishop of Galloway, moved to the frontiers of that province. Their friendship for Alan, the late lord carrying them to wish well to his son, they desired Gilrodh to chuse, whither he would submit to the king, or fight the earl's army. Gilrodh, persuaded of the superior strength on the earl's side, agreed to surrender himself, and, by the appointment of the king, remained for some time the earl's prisoner. The bastard, thus deprived of council and aid, was obliged to throw himself on the mercy of the king; who, after detaining him a short time prisoner in Edinburgh castle, set him free *. As by these successes the king of Scotland restored the domestic quiet of his kingdom, so he farther strengthened his interest in England, by giving his sister Marjory † in marriage to Gilbert earl of Pembroke,

Chron. Mailr. Mat. Paris, p. 363.

Chron. Mailr.

* The victory gained by Alexander over the Galwegians, is placed by the Chron. Mailr. in the end of July 1235; but by Mat. Paris, in April 1236. Matthew makes no mention of the invasion from Ireland, which, according to the Chronicle, happened after the victory gained by the king. Perhaps the quashing of this invasion happened at the time in which Matthew places the king's victory. The ally and chief support of the bastard in this war was, according to Matthew, Hugh de Lasey, whose daughter Alan of Galloway had married. The daughters of the late lord were married to Roger de Quinci, earl of Winchester, John de Baliol, and William, son to the earl of Albemarle; among whom the lands of Galloway were divided. By this division, the power of the king was increased; and the justice done by him to these lords, served to increase his interest in England. Matt. Paris, in relating this affair, makes no mention of any claim of superiority over Galloway, by the English king. Roger de Quinci, in consequence of marrying Helen, Alan of Galloway's eldest daughter, succeeded to her father's office, as constable of Scotland.

† The same lady, who, four years before, was courted by king Henry, was now given in marriage to Gilbert, the brother and heir of Richard earl Marshal, who had disappointed her match with the king. According to the Chronicle of Dunstable, quoted by Dugdale, Gilbert received with Marjory more than 10,000 merks [this is not probable] for her portion, besides a noble dowry in Scotland. Alexander, and the nobles of his kingdom, were present at the marriage; and the Earl Marshal was accompanied by many of the nobles of England. Matt. Paris calls her *Puellam elegantissimam*, and mentions the league and affinity of Alexander with the Earl Marshal, as one of the circumstances that encouraged him to demand, as he now did, the delivery of Northumberland. Gilbert had great possessions in England, Ireland, and Wales, in which he succeeded his brother Richard; who, after having been some time in rebellion against the king, was treacherously slain

Henry III. K. of England. 1235. Aug. 1. A. D. 1236.

Pembroke, and Earl Marshal of England; who came to Berwick to receive his bride, and celebrate his nuptials. Encouraged by these prosperous circumstances, instead of submitting to the king of England's claim of sovereignty, he sent ambassadors, in the spring of the following year to Henry, while holding his parliament at London, to demand the delivery of Northumberland, Cumberland, and Westmoreland *, which he claimed as rights of inheritance, and alleged, that king John had engaged to restore them in dowry with his daughter.

A definitive answer to this demand was at that time delayed: but Alexander still insisting, and even proceeding to menaces of asserting his just claim by the sword, the king of England, by the advice of his nobles, resolved to hold a conference with him at York, for the sake of adjusting the matters in dispute, and preventing an open rupture †. After much litigation, the king of England, for the love of peace, and for securing the aid of Alexander, to defend the kingdom of England when occasion should require, made him an offer of lands of eighty merks annual revenue, in some other place of England; that the northern border of that kingdom might not suffer mutilation. But it requiring time to fix the situation of these lands, and to settle the matter to the content of all parties, the final determination of it was adjourned, and peace, in the mean time, kept on both sides ‡.

Mat. Paris, 365. Sept.

The marriage § of Henry with Eleanor of Provence, which happened in the begin-

in Ireland in 1234. Other circumstances mentioned here by Matt Paris, as encouraging Alexander to revive his claim of Northumberland, were the insincere, and ever suspected, concord of Henry with Lewellin, and the enmity of foreign rivals, always lying in wait to annoy him.

* Matt. Paris mentions only Northumberland, as now demanded by Alexander; but the agreement between the kings, in the following year, in presence of the legate Otho, which is a better authority mentions also Cumberland and Westmoreland. This agreement also says, that Alexander demanded these counties, without mentioning any other claim than his right of inheritance. Matt. Paris represents the demand of Northumberland, as founded only on John's granting it in dowry with his daughter. It is not improbable, that, in making the demand, these two grounds of claim were united.

† According to Chr. Mailr. and Fordun, this conference was held at Newcastle. The latter says, The kings met there after Mary's nativity (Sept. 8.) that they continued there three days, and that the queen of Scotland was present. Both these authors are quite silent about the particular subjects of their conference. Fordun only says, It was *de utriusque regni pace et arduis negotiis.* Ford. l. 9. c. 52. Chr. Mailr. ad Ann.

Rymer, i. 370.

‡ At this meeting, the king of England, with a view, probably, of softening Alexander, made a grant to his sister of the manor of Dryffeld. Dugdale, vol. i. p. 64. says. That William de Fortibus, the third of that name, earl of Albemarle, having married Christian, daughter and co-heir to Alan of Galloway, Henry granted to him and her the manors of Thingden, in Northamptonshire, and Dryffeld, in Yorkshire, in exchange for what belonged to her, as part of the inheritance devolved to her by the death of John Scot, the last earl of Chester. The authority he quotes for this, is the Close Rolls of the 25th of Henry, that is 1240 and 1241; and the queen of Scotland died in 1238, March 4. It farther appears from a deed of Rymer, vol. i. p. 379, that Henry, on the 21st of February, before his sister died, granted her a power to dispose of Dryffeld, by her testament, for two years, succeeding the Michaelmas after her death (i. e. in 1238); so that, at Michælmas 1240, it returned into the hands of the king; and he might dispose of it in the manner Dugdale's Authorities represent.

12 Dec. Rymer, i. 348.

§ The king and queen of Scotland were invited to be present at this marriage. The persons appointed to conduct them on that occasion from the borders, to Henry's court, were the archbishop

beginning of this year, brought him under the influence of a new set of favourites; the relations and countrymen of this queen; at the head of whom was William of Savoy, bishop-elect of Valence. The resentment of the English barons was soon provoked to an extreme degree, by the insolence and rapacity of those foreigners; who, for their protection, had recourse to the paramount power which the Pope still maintained in England. Henry had also recourse to the same power to support him against his mutinous vassals; and, at his request, Ootho was sent over legate to the kingdoms of England, Scotland, and Ireland. About the same time, a bull was also addressed to king Alexander, blaming that prince for failure in duty, and breaches of his oath of fealty to Henry; whom, as a special son of the apostolic see, the holy Father loved with a paternal affection, and now exhorted Alexander to a more exact observation of what he owed to Henry; as he would wish to merit the good-will both of that prince, and of his father the Pope *.

Alexander II. K. of Scotland. 1236.

A. D. 1237. April. 27. Rym. i. 371.

To enforce these exhortations, and to compose all matters in dispute between the kings, Otho presided in a conference they held at York, a short time after his arrival. At this conference, the king of Scotland renewed his demand from the king of England, of the counties of Northumberland, Cumberland, and Westmoreland, as his inheritance. The Scottish king farther alleged, That his father William had paid to John, the father of Henry, the sum of 15,000 merks of silver, in consideration of certain conditions, which had not been fulfilled on John's part; and that Henry himself had likewise failed in the execution of a treaty of marriage, to have been contracted between him and Marjory, sister to king Alexander. In full satisfaction, and for the perpetual extinction of the above claims and challenges, and of all others, on the part

Rym. i. 374. Ryl. Plac. Parl. 161, 165.

See above, p. 118.

See above, p. 129.

bishop of York, the bishop of Durham, William de Vesey, Gilbert de Umfraville, Roger Bertram, John de Veteriponde (Vepont), and John, the son of Geoffrey, sheriff of York. The king, in his letter to the archbishop of York, directing him, and the others mentioned, to attend the Scottish king and queen, says, that he knew they would, by no means, come to him, nor was it fit that they should without a solemn conduct. In the 24th and 25th of February following, letters were written to the king and queen of Scotland, notifying to them the marriage that Henry had, with consent of his nobles, agreed to between his sister Isabella, and the emperor Frederick. It hence appears, that Alexander and his queen had either not gone into England, at the time of Henry's marriage, or made a short stay.

Rymer, i. 356.

* About this time Richard, surnamed the Poor, bishop of Durham, dying (15th April), the monks without consulting the king, made choice of their prior, Thomas de Melsanby, to fill the vacant see. The king objected, that the person chosen was an enemy of himself and his kingdom; because he had before been prior of Coldingham, and had sworn fealty to the king of Scotland: and that there was a peculiar danger, from the bishop of Durham's being ill effected to himself, or a friend to the Scottish king; that bishop being possessed of places of great strength, on the confines of Scotland, and being also master of a tract of sea coast, on which forces might be landed from France and Flanders, to the danger of the king and kingdom. Several other objections were made to Melsanby: but the monks insisting on their election, and the opposition of the king hindering their obtaining justice from the archbishop of York, they sought redress at Rome; but their messengers dying on the road, and Melsanby himself being stopt, in attempting to cross the sea, he abandoned any farther prosecution of his claim, and resigned the dignity, about three years after his election to it (A. D. 1240. 8th April). A few years after (viz. 1244), when the king came with an army to Newcastle, afraid perhaps, of his resentment, he likewise resigned his office of prior, and retired to Fearn Island, at that time the retreat of an hermit, called Bartholomew, and spent the remainder of his life in pious austerities and almsgiving. His dead body was carried to Durham, and buried among the bishops, and several miracles were ascribed to it. Whart. Ang. Sac. tom. i. p. 735, 736, 737.

of

Henry III. K. of England. 1237.

of the Scottish king against the king of England, which preceded the Friday before the Michaelmas in the current year, it was now agreed, that Henry should grant to Alexander, lands of two hundred pounds yearly rent *, within the counties of Northumberland and Cumberland, if lands of that value could be found in these counties, lying without the towns where castles stood; and if there should be any deficiency, that it should be made up by grounds conveniently situated, and lying nearest to the counties above said. These lands were to be held in demesne, by Alexander and his heirs, of Henry and his heirs: the former delivering to the latter, in lieu of all demands, a falcon, at Carlisle, into the hands of the constable of the castle there, on the feast of the assumption of Mary. Provision was made by other articles, of the most extensive liberties to the Scottish kings, as proprietors of this district; and for the administration of justice in it, according to the English laws; but with a due regard to the property and power of the Scottish kings. Matters being thus settled, the king of Scotland paid homage, and swore fealty, for the lands above-mentioned, to the king of England †.

Mat. Paris, 377.

It is related by Matthew Paris, that when Otho, by virtue of his legatine commission, which extended to Scotland, proposed to king Alexander, at the conference of York, to visit his kingdom, the king declared strongly against it; alleging, that the legate's presence there was wholly unnecessary, all ecclesiastical matters being in good order; and, at the same time, deterring him from exposing his person to the ferocity of the inhabitants of Scotland; which

* The reasons that may be assigned for Alexander's quitting his claim to the three northern counties, for so unequal and trivial a consideration, are the formidable power of the see of Rome, exerted on behalf of the kingdom of England, which the Pope did at that time claim, and treat as his own; the influence of Alexander's English queen, and of his great relations and friends in England; and perhaps the failure of these English nobles, on whose aid Alexander had depended, but who, when the matter was brought to a crisis, were unwilling that their native country should be dismembered of so large a territory.

† It was agreed, that the writings and instruments, respecting the above-said marriages and conventions, that had been drawn up by John and Henry, kings of England, or by William and Alexander, kings of Scotland, should be reciprocally delivered up; with a salvo, that if these instruments contained any articles not relating to the present negociation, but in themselves beneficial to either kingdom, such articles should be confirmed by new deeds of the kings. Moreover, if any charters could be found, relating to the above said counties, they were to be restored to the English king. And if any instruments, relating to the conventions and counties, should be afterwards found, that were not now restored, it was declared they should be held as void.

W. earl of Warren, and Walter Cumyn earl of Monteith, according to the fashion of these times, swore to the observation of this treaty; each of them upon the soul of his master, and by his command. Moreover, the king of Scotland made earl Malcolm, the earl of Monteith, Walter son of Alan, Walter Olifard, Bernard Fraser, Henry de Baliol, Gilbert Mareshal earl of Pembroke, H. earl of Hereford, David Cumyn, David Marshal, Thomas son of Ralph, William de Port, John de Baliol, and Henry de Hasting, to give their oaths for observing the peace, in the form of letters patent, delivered to the king of England. Finally, the king and these barons subjected themselves to the jurisdiction and canonical censures of the Pope, in case of their contravening their oaths; and for that purpose they agreed to address a joint letter to the holy Father, requesting him, to commit his powers for that effect to any of the suffragans of the archbishop of Canterbury, whom both parties should approve of. Such a letter doth accordingly immediately follow the convention in Rymer. The reason of soliciting the delegation of the pontifical power in this matter, to some suffragan of the archbishop of Canterbury, was, probably, that no countenance might be given to the archbishop of York's claim of primacy over Scotland. The witnesses subscribing this convention, are forty four in number, consisting of bishops, nobility and gentry in both kingdoms.

the

Alexander. II. K. of Scotland

1237.

the king could not undertake to restrain, and which had lately threatened his own expulsion from the kingdom. Whatever weight these remonstrances had with the legate, it is certain that he did not enter into Scotland, till two years after *, and then he confined his visit to the southern part of the kingdom. Being at Melrose in the eve of St. Denis, he obliged Herbert the abbot of Kelso, who, without any good reason, had laid down his charge, to resume it. He held a council at Edinburgh, and soon after returned to England, carrying off with him a considerable sum of money †.

Mat. Paris, 422. Chr. Mailr. 204. Ford. l. 9. c. 54 Sep. 21ſt. Chron. Mailr. Oct. 19.

The queen of Scotland, who accompanied her husband to York, did not return with him; but having gone a pilgrimage to Canterbury, with Eleanor, Henry's young queen, spent the winter in England, and was seized there with an illness, of which she died in the beginning of March. Alexander had no children by her; and in the following year, took for his second wife Mary, the daughter of Ingelram de Couci. a French nobleman, to whom he was married at Roxburgh. This lady more than two years after, brought forth, at the same place, a son, who bore his father's name, and succeeded him in the kingdom.

A. D. 1238.

March 4th. Chr. Mail.

A. D. 1239.

May 15.

A. D. 1241. Sept. 4.

A. D. 1242.

In the following year, Henry, by the instigation of the Count de la Marche, passed over into Guienne, and entered into a war with the French king, which was equally inglorious and unsuccessful to Henry, and was terminated in the following spring by a truce for five years. As a preparation for this foreign expedition of Henry, care was taken to secure the friendship of the king of Scotland. With which view, the bishop of Durham ‡ was empowered to assign to him lands in England, of the value agreed on, more than four years before at

* According to Matthew Paris, Alexander renewed his oppoſition to the legate, when about to enter his kingdom at this time, and would not permit it; until an obligation was drawn up, importing that the king's allowing at preſent his entrance ſhould not be drawn into an example, for claiming the like licence for the future. This obligation Otho was to ſubſcribe before he left Scotland; but the king retiring to the other ſide of the Firth, while the legate remained in his kingdom, as chuſing to give as little countenance as poſſible to his preſence there, the legate ſtole away to England, and carried off with him the writing unſubſcribed. Matthew Paris ſeems to have a pleaſure in comparing, the ſpirited oppoſition made to the legate by Alexander, to the ſervility with which Henry ſubmitted to him in all things: but his relation of what was ſaid to Otho by the king of Scotland, is ſomewhat diſcredited by his making that prince ſay, that no legation from the papal ſee had, in any former time, entered his kingdom. For in Alexander's reign, a papal legate had held a council at Perth in 1221, as another had done in the reign of his father, A. D. 1200. It is worthy obſervation, that Matthew Paris, expreſſing Otho's confining his viſit to the ſouth of Scotland, ſays, he did not paſs the ſea, meaning the Firth of Forth, uſually then called *Mare Scoticum*, and that he lodged in the good towns of this ſide the ſea (*in bonis civitatibus cifmarinis*). Fordun or the Chron. Mailr. make no mention of any oppoſition on the part of the king to Otho's entering his kingdom.

† In the year 1240, the bones of the abbots of Melroſe, that lay in the entrance of the Chapter-Houſe, were taken up, and more decently buried in the eaſtern part of the ſame Chapter-Houſe; all excepting the bones of St. Waltheve, whoſe ſepulchre was opened, and his body found at laſt crumbled into duſt. So much more honeſty, or leſs art, had the monks of Melroſe than thoſe of Durham! Thoſe who were preſent carried off ſome of the ſmall bones, leaving the reſt to repoſe in peace. One of the company was William, ſon to the earl of Dunbar, (he is called ſimply *filius comitis*,) and nephew to the king, a knight of good fame. He begged and obtained a tooth of the ſaint, by which, as he afterwards gave out, many cures were wrought on the ſick.

‡ This biſhop of Durham was Nicholas de Farneham, who had been the king's phyſician, and was elected to that ſee in the preceding year.

York.

Henry III. K. of England

1242.

Rym tom. i. 400. Ryley Plac. Parl. p. 164. Mat. Paris. p. 517. Ford. l. 9. c. 59. 60, 61.

Mat. Paris, 519, 520. Chr. Mailr.

York. These were the manors of Penrith and Sowerby in Cumberland*. The same prelate negotiated a marriage between Alexander the heir of the Scottish king, and Margaret daughter of the king of England, at that time both infants: and as a farther mark of confidence, the northern provinces of England, were, during the absence of Henry, intrusted to the guardianship of Alexander.

About this time, a great disturbance arose in Scotland, from a cruel murder committed at Haddington, during the celebration of a tournament there. Patrick earl of Athol, with several of his friends and family, were burnt to death by a fire set to his lodgings in the night. This was ascribed to the Bissets, a powerful family in the neighbourhood of Athol, who had been at enmity with the earl, and though not present at the tournament †, had employed some of their dependants to perpetrate this horrid deed. The king endeavoured to bring the matter to a regular trial; but the prejudice and combination of the Cumings and other nobles against the Bissets, was so strong, that the latter were obliged to abandon their country and estates, and to swear to spend the residue of their lives in the Holy Land, as pilgrims, for the benefit of the soul of the murdered earl. Instead, however of fulfilling their oath, they retired into Ireland; and Walter going to the English court, complained to Henry of the cruel sufferings which he and his relations had undergone, from the fury of the Scottish nobles and the weakness of the king; accompanying these complaints with flattering allegations, that Alexander had no right to condemn persons of their rank ‡, without the consent of Henry his superior lord.

About the same time, Walter Cumin and some other of the Scottish nobles fortified two castles, to the prejudice of the king of England, and contrary to the charters of their predecessors, one on the eastern, and the other on the western march. Certain rebels and fugitive enemies § of the English king, were also harboured in Scotland. And when Henry found fault with these proceedings, as violations of the duty that Alexander owed to him as his

* This appears from the account in Ryley, of the seasin of these places, ordered to be given by Edward I. in the twenty-first parl. of his reign, to John Baliol, as heir of the late king of Scotland. He obtained seasin, at the same time, of Tendale, and a proportional part of the earldom of Huntingdon, but he claimed these by a different title.

† This is Fordun's account; but according to Matthew Paris, Walter Bisset, was foiled at the tournament by the earl, and did, in resentment, set on fire a barn where the earl and some of his friends slept.

‡ The high rank of Walter Bisset, appears from Alan lord of Galloway giving him his sister in marriage, A. D. 1233. Patrick earl of Athol, being the son of Thomas of Galloway, Alan's brother, was of consequence nephew to Bisset's wife. Chron. Mailr. And. Ind. N. N. at And. Dipl.

§ Matthew Paris says, that Bisset informed Henry, of Alexander's resetting and protecting Geffrey, the father of William de Morisco, which latter was a famous pirate, who had long sheltered himself in the Isle of Lundy, in the Severn channel, but was about this time apprehended and hanged. His father who lived in Ireland, and was afraid of sharing his son's fate, fled to Scotland. Mat. Paris, 518, 520.

To the wicked arts of Bisset, the Chronicle of Melrose chiefly ascribes the expedition of Henry towards Scotland. He calls him *nefandissimus proditor*. John abbot of Peterburgh uses the same words.

superior,

superior, Alexander boldly declared, that he neither did, nor would, nor ought to hold, from the king of England, even the smallest part of his kingdom of Scotland. These irritations succeeding the great decay of friendship between the kings, that had arisen since Alexander's French match, inspired Henry with a resolution of invading Scotland. For this purpose, he led all the forces of his kingdom to Newcastle; while, on the other hand, the king of Scotland fortified his border castles, and assembling a very numerous army, entered England; through which he advanced as far as to *Ponteland* *, within a few miles of the English. The Scots had all confessed themselves, and animated by the exhortations of their preachers, did not fear to die in defence of the just rights of their country †. But Richard earl of Cornwall, the archbishop of York, and other nobles, moved by a desire of preventing the effusion of christian blood, and by their friendship to the king of Scotland, who was a prince much beloved by both nations ‡, undertook the good work of mediating a peace. Their endeavours were successful, and for the satisfaction of Henry, Alexander gave a charter, in which he promised for himself and his heirs, to maintain fidelity and affection to Henry his liege lord and his heirs, and never to enter into league with any of their enemies § for making war upon any of their dominions, unless in case of suffering unjust oppression: it being also understood, that the treaty concluded between the kings at York in 1237, in the presence of the legate Otho, as also the convention for a marriage between the son of king Alexander and the daughter of king Henry were to continue in force. This concession and promise was confirmed by the oaths ‖ of certain of Alexander's nobles, appointed to swear to it on the soul of their master. The rest of the nobles swore to procure with all their might the observation of it by their sovereign, and to give him no aid in infringing it; and in case of its being infringed, both he and they subjected themselves, as before at York, to the censures of the Pope.

Alexander II. K. of Scotland.

A. D. 1244.

Ford. l. 9. c. 61. Chr. Mailr.

Rym tom. i. Mat. Paris, p. 568, 569.

Mat. Paris, p. 569.

The peace thus restored between the kings continued undisturbed during the five remaining years of the life of king Alexander. In that period, was held the famous council of Lyons, which seconded Pope Innocent in all his

* Fordun underſtood this to be Pentland; but that Chr. Mailr, means a place in England is evident from the word uſed in that Chronicle to expreſs Alexander's return, *repatriavit*.

† In Henry's army, according to Matthew Paris, were 5000 horſe completely and finely armed, of foot, he ſays, there was a very ſtrong and numerous body, but does not give the number. In the king of Scotland's army, were 1000 armed horſemen, mounted on good enough horſes, although not Spaniſh, Italian, or others of great price, and competently provided with armour of iron or net work. His foot were about 100,000. Theſe forces he obtained, according to Mat. Paris, *a magnatibus affinibus et confinibus*, and again, *a multis optimatibus et potentibus*. Mat. Paris, 563.

‡ *Et merito*, ſays Matthew Paris, as being *vir bonus, juſtus, pius, et dapſilis*.

§ From this clauſe it appears, that Henry's chief quarrel with Alexander, was the latter's friendly correſpondence with the enemies of the former in France; of which Alexander's father-in-law Engleram de Couci was one. Engleram died a little before Henry's expedition; but his ſon John, ſent to his brother-in-law king Alexander an aid of forces; which being met at ſea by ſome of Henry's ſhips, were driven back to their own country. Mat. Paris, 562.

‖ The oath on the ſoul of the Scottiſh king, was ſworn by four of his nobles and as many prelates. The oath to procure the obſervation of the charter, was ſworn by the ſame four prelates, and twenty-four barons; in the liſt of theſe barons, the firſt is Patrick earl of Dunbar.

Henry III. K. of England. A. D. 1248.

violent proceedings against the Emperor Frederick II. At that council also a new croisade was decreed for recovoring the Holy Land out of the hands of the Tartars. This croisade was every where preached up with the greatest zeal; while the court of Rome carried on the traffic it had been long accustomed to make of those expeditions. Louis IX. intitled the Saint, king of France, put himself at the head of a great band of adventurers of his own and other nations. Among the rest of his noble followers, was Patrick earl of Dunbar; who died on the journey. In the year following king Alexander died, while on an expedition to quiet some commotions in the West Highlands; and his body was, agreeably to his own orders, interred with royal honours in the church of Melrose.

Chr. Mailr. A. D. 1249. July 8th.

April 14th.

About three months before Alexander's death, a meeting was held on the marches of England and Scotland; for ascertaining the laws of those marches, and enforcing their observation. This work was committed to twelve * knights of each kingdom, under the direction of the sheriffs of Northumberland, for the king of England, and of the sheriffs of Roxburgh, and Berwick, for the king of Scotland; by which sheriffs the twenty-four knights were sworn, to make a faithful inquest and report, concerning the laws and customs that regulated the intercourse between the inhabitants on each side of the limit between the kingdoms. The articles returned by this jury, as they contain the most ancient account that now remaineth of the border laws and customs are subjoined, as worthy of attention; and the substance of them is as follows:

Nicholson's Border-laws. p. 2.

I. †. The first article is, That any subject of Scotland accused of committing in England, homicide, or any other crime ‡ that ought to be tried by single combat, shall not be obliged to answer in any other place but on the marches of the two kingdoms; and in this article, the places for the trial of these crimes are fixed §.

Places for single combat.

Who might be called to combat.

II. In the next place, it was declared, That all who dwelt between Totness in England and Caithness in Scotland, might, agreeably to the customs of the

* The names of the Engliſh knights were, Robert de Clifford, Robert ſon of Ralph, Robert Maleſante. Robert de Ulfeſter, William de Burnville, William de Siremeſton, William de Hermanſton (alias Herington), Robert de Glendale (alias Glenſdine), Sampſon de Coupland, William de Cookperte, Henry ſon of Godfrid (*a*).—The Scottiſh knights were Adam de Earth, Ralph de Boukle (perhaps Bonkle), William de Northinton (alias Morthinton, perhaps Mordington), Robert Bernham mayor of Berwick, Adam de Morham (alias Norham), Henry ſon of Waldeve, Henry de Brade, Richard Holkerton (alias Halkerſton), Robert de Durham, Aymar de Emſley, Adam (alias Alan) de Newbiggen.

There are only eleven knights of each kingdom in the foregoing liſt, from Dr. Nicholſon's border laws. The ſheriff of Northumberland, it may be ſuppoſed, made the twelfth in the Engliſh liſt; and the ſheriff of Roxburgh or Berwick the twelfth in the Scottiſh.

† The author had the peruſal of a MS. copy of theſe laws from the Advocates library in Edinburgh, which differs conſiderably from the copy of them publiſhed by Dr. Nicholſon.

‡ In MS. robbery, theft, homicide, or any other crime.

§ If the defendant dwelt above Redam, he was to anſwer at Riding Burn. But Reedſdale and Cookdale were to anſwer at Campaſpeth, agreeably to the laws and cuſtoms uſed between the kingdoms,

(*a*) In an Engliſh (or Scottiſh) tranſlation of thoſe laws, in the library of the Advocates at Edinburgh, this perſon is called Hendrie Jafreoſon of Porſeweek.

said

said kingdoms, be justly called to the marches, to decide their quarrels by combat; excepting the persons of the king's themselves, and of the bishops of St. Andrews and Dunkeld (*a*).

Alexander II. K. of Scotland. 1249.

III. It was farther unanimously declared, That if any vassal or bondsman in Scotland, should, with or without his goods, fly into England with the intention of escaping from his lord; and if within forty-two days after, he should be pursued by his lord or his lord's bailiff, the fugitive should be brought back to Scotland, on the oath of the pursuer, without any opposition from the English; the same being understood to hold with regard to fugitives from England. But if the fugitive was not pursued before forty-two days were elapsed, his lord could not recover him, without a brief from the sovereign of the kingdom where he remained: and on his being discovered *there* *, after the expiration of forty-two days †, his lord might seize him, upon giving his own oath, accompanied with the oath of six others.

(*a*) Perhaps Durham.

Methods of recovering fugitive vaſſals or bondſmen.

IV. Moreover, it was found, That if any of the rank of a bondsman ‡, of the one kingdom had delivered pledges for a debt he owed to the other, he might *recover these pledges* within thrice fifteen days, *upon finding sureties for payment, one out of each kingdom* §, and paying the sum itself within the 15 days immediately following. But if the sum was not then paid, the creditor might seize the pledge of his debtor, and detain it, until he received full satisfaction for the debt owing him. But if the debtor denied his debt, he was obliged to purge himself of it on the marches, within the first succeeding fifteen days, by the oaths of seven ||, his own included. And this was also to be understood of the surety, when the creditor could not be found. But if he confessed his debt, and had no goods wherewith to pay it, he was obliged to declare himself not possessed of goods exceeding the value of five shillings and four pence; and must farther swear, that he will pay the said debt, as he may be able to acquire or gain the means of paying it, reserving only his own sustenance.

Method of recovering debts. Statute of Rob. I. c. 11. ordains, that poynds ſhall not be ſold within forty days from the day of taking them.

V. In the next place, they found, that all claimants on either side, should in person give their oaths in support of their claims, with the exception only of the two kings and their heirs, and the bishops of St. Andrews and Dunkeld. The person who ought to swear in place of the king of England, was his standard-bearer and the constable of his army. On the other hand, the priest of Wedale ** was to swear for the king of Scotland, and bishop of St. Andrews, and the prior of the Isle ††, for the bishop of Dunkeld.

Oaths to be given by claimants in perſon.

VI. It

* *In regno ex quo exiverit* (in printed copy); in MS. *regno, in quo extiterit.*

† An exception is made, *niſi fuerit nativus* (not tranſlated). Does it mean, that theſe oaths were unneceſſary, where the fugitive was a bondſman?

‡ *Si nativus aliquis.* *Nativus* is here rendered according to its uſual ſignification in the laws and deeds of that time: but *native* ſeems to be the juſter ſenſe.

§ *Namos ſuos replegiabit per inbrocht wood et utbrocht wood,* MS. wed;) wed is ſurety. *Inbrocht et utbrocht nativos et extraneos.* Not. in Nicholſ.

|| *Cum Septima manu.* This interpretation is given upon a preſumption, that the meaning is the ſame here, with what is more fully expreſſed in the concluſion of the former article, by theſe words, *per juramentum ſex virorum, et ſe ſeptimo, et per ſacramentum ſex virorum, et ſe ſeptimo.* In Art. 8.

** Wedale (*Vallis doloris*, Ford.) is the ſame with Stow, (ſo Mill in deſcription of Melroſe).

†† *Prior de inſula.* Probably of Lochleven, where the convent was governed by a prior. The

Henry III. K. of England. 1249.

VI. It was farther declared, That no other person besides these, had a right to *depute another* *, to swear for him in any quarrel touching life or limb, unless such a deputation was made with consent of both parties; but *without this consent*, the failure of either in appearing in person to give his oath †, lost him his cause for ever.

In cauſes of life, &c. no deputation to ſwear without conſent of both parties. Rules to be obſerved on failure of parties by death or otherwiſe.

VII. The next found, That if there were any plea on the marches between a plaintiff and defendant that affected life or limbs, and if the defendant happened to die within the fifteen days preceding the day of trial, his body should be carried to the marches at the time, and to the place appointed between the parties; because *no man can be essoigned by death*. Again, when the appellant delayed his appearence beyond the appointed day, the defendant ‡ ought to pass to the marches and to obtain an attestation § from three barons, witnessing that he had regularly made his appearance on the day prefixed; and this being attested by them, he was to be, in all time coming, free from challenge in that case: but if any or all of these barons refused to give testimony of the above fact, he might oblige them to decide the truth of this charge by a combat: and the same rule was to hold with regard to the appellant.

Stolen goods to be ſued for in the lords court, on whoſe lands they were found.

VIII. It was also found, That if any Scottish robber stole in England an horse, oxen, or cows, or any other thing, and carried the goods stolen into Scotland, the person whose property they were, wherever he discovered them, might appear in the court ‖ of the lords in whose lands he found the stolen goods, and should there recover them by his own oath and the oaths of six persons besides; unless the person possessing the goods, affirms them to be his own, in which case the question must be decided by a combat on the marches

Rules about ſureties in caſes of combat.

IX. The next article fixed was, That in any trial on the marches that affected life or limb, as for robbery, theft or murder, where the defendant was convicted by the issue of a combat, his sureties ought not to be answerable for a greater sum than the plaintiff mentioned in his charge. But ** if the person accused was convicted of slaying a man, and his sureties were dead, he †† was obliged to make good the forfeiture; if his own money, and that of his sureties, together with the produce of their corns exposed to sale, were sufficient for that purpose (*a*): and if the sureties were not dead, and the accused was convicted by combat, all the goods he possessed at the time of attacking him, ought to incur forfeiture to the pursuer. But ‡‡ all such persons ought to

(*a*) the lives of different ranks of men were at that time appreciated.

head of the convent at Inchcolm was an abbot. Spotſw 236, 237). If, inſtead of Dunkeld, Durham is to be read, the prior *de Inſula* will be the prior of Holy Iſland.

* *Facere Attornatum.* † *Ita pro uno ſolo defectu.*

‡ The word *defendant* is not in the original; but the ſenſe ſeems neceſſarily to require its being underſtood.

§ *Accipere manum de Wardſheill;* Wardſheill (MS. Hame Wardſheill), I do not underſtand. This ſeventh is a very obſcure article, and it is doubtful if the tranſlation expreſſes its exact meaning.

‖ From this, it is probable there were not at that time any Warden-courts.

** From this to the end of the article, from the MS. in the Advocates library.

†† *Reſpondebit die de mantoplen.* The learned Sir James Foulis of Collington has given the editor the following probable meaning of the word *mantoplen*. 'I take *Mantoplen* to be a contraction for *manto plenitudine*, a barbarous law term to expreſs the full time of waiting. *Manto* is a contracted word for *manſito* the frequentative of *maneo*. So, *reſpondebit die manto plenitudine*, is that he ſhall anſwer when the full time of waiting is expired, that is, when the legal term comes.

‡‡ *Debent ſupurgare tanquam exeuntes de carcere quibus plegius defuerit.*

purge

purge themselves in the same manner, as those who, having no sureties, are suffered to go out of prison.

Alexander II. K. of Scotland. 1249.

X. It was next declared, That if a malefactor, passing from one district or province of the kingdom into which he had entered, into another, desired to obtain protection *, he should receive it from those having power to grant it, viz. from the sheriff of the county into which he had entered; and if he could not find the sheriff, he might obtain peace at the first church, by ringing the bells, and should remain in peace there, until protection was granted by the sheriff. But if before thus obtaining his peace he was attacked, he might be brought back without any opposition.

Method of obtaining peace or protection, on passing from one place to another.

XI. It was farther agreed, That if any inhabitant of either kingdom affirmed, in opposition to a claimant of the other, that a horse, ox, cow, or hog, in his possession, was his own, he should have the usual respite of days established between the kingdoms †, before the matter was brought to a trial. And on the day fixed for that, if he chose to avoid a combat, and knew that the thing was not his own, he was obliged to bring it to the marches, and inform the opposite party that he was satisfied upon enquiry, that the horse, &c. was the property of that party, and after this declaration he was bound to drive it into the water of Tweed or Esk; and the defendant should then be free from the claim or challenge brought against him. But if it was drowned before it reached the mid-stream ‡ of the water, the defendant, ought, according to the custom of the marches, to be still answerable for it; and this extended to an ox, cow, or swine, or other things, only nothing was established about a load §.

Combats about stolen goods.

Method of avoiding these combats.

XII. They farther agreed, That no inhabitant ‖ of either kingdom could prove his property in any thing possessed by an inhabitant of the other, by witnesses, but solely by the body of a man **: whence many combats must needs ensue, from the strifes that arose from time to time on the marches.

Property in goods stolen to be proved only by combat.

* *Habere voluerit pacem.* The article is, *Si aliquis malefactor existens in una regione in altera parte* (MS. *alteram partem*), *regni in quo intravit, habere voluerit pacem, &c.* Perhaps, it may be understood of a malefactor passing over the march that divides the countries, from one kingdom to the other; and the sense, according to this interpretation, seems better. Probably the text is corrupt.

† *Habebit dilationes omnes inter regna statutos et ultimos dies litis.*

‡ So rendered in MS. translation mentioned by Dr Nicholson.

§ *De farcina.*

‖ *Quod nullus de regno Angliæ potest probare uliquam rem,* (*aliquem reum* in printed copy,) *de regno Scotiæ per testes* (*nec e converso*), *nisi tantummodo per corpus hominis.*

** i. e. by his own body, or that of his champion in combat.

A combat of this kind on the marches, was called by a particular name *Aera*. In a remonstrance of the clergy of England, presented to the legate Otho in 1237, for procuring redress from the king of several encroachments on their liberties, they complain of an abuse arising from an establishment of the kings of England and Scotland; by which, not only simple clerks, but also abbots and priors in the diocese of Carlisle, when challenged for any thing by a subject of Scotland, or reciprocally, were compelled to fight with spears and swords, a combat called *Aera*, on the confines of the two kingdoms (*inter fores utriusque regni.*) So that the abbot or prior of whatever religion or order, was obliged either to a personal combat, or to have a champion to combat for him, and if this champion was defeated, the abbot or prior was to undergo capital punishment; of which there had been a recent instance in the prior of Lideley. The clergy supplicated the legate to admonish, or, if admonitions could not prevail, to employ his legatine authority, to compel the kings not to suffer so detestable an abuse to be extended to ecclesiastical persons.

Cowe's Law Dictionary *in voce.* Annal. Burton. 292.

XIII. They

Henry III. K. of England.

1249.

XIII. They farther agreed, That any person in either kingdom pursuing for the recovery of a debt due to him in the other, ought, according to the laws of the marches, if the person indebted to him were a clerk, to *seek* * *justice* from the clerks, if a knight from the knights, and if a burgess from the burgesses; by which classes alone judgment † is respectively to be given, where their brethren are concerned.

How different ranks of men are to be purfued for debts.

Finally they agreed, That the magistrates within and without ‡ burghs should have power to distrain the inhabitants of each kingdom, in order to enforce the observation of the aforesaid customs between the kingdoms.

Magiſtrates in the country, and burghs have power to execute the above laws.

The Scottish nobles had taken care that their young king Alexander should be crowned by the bishop of St. Andrews, on the fifth day after the death of his father; but the disorders that soon arose, from the ambition and outrages of these untamed chieftains, gave Scotland a taste of the evils attending a sovereign's minority; which that nation was beyond all others doomed to experience. The remedy for these disorders resolved upon for the present, and which the Scottish clergy are said to have suggested, was to obtain the king of England's protection, and increase his ascendent in Scottish affairs, by a fulfilment of the treaty concluded between Henry and the late Alexander king of Scotland, for a marrriage between the heir of the latter and the eldest daughter of the former. With this view, ambassadors were sent to the English court, and the motion was the more welcome to Henry, on the account of his having the year before taken the Cross for an expedition to the Holy Land; on which expedition he was now determined soon to set out. The great debts in which his inattention and profusion had involved him, the opposition made by his barons to every demand of new aids, and the distress which his clergy and people underwent, from the intolerable exorbitant oppressions of the court of Rome, made it extremely difficult for him to provide funds for his intended expedition. But these difficulties being in some degree evercome, it behoved him next to secure the peace of his dominions, during his absence from them; and this could not be better effected on the side of Scotland, than by solemnizing the marriage long since agreed between his daughter Margaret and king Alexander.

Alexander III. K. of Scotland.

Ford. l. 10. c. 4.

In order to the celebration of these nuptials, Alexander, with a numerous retinue of nobles and knights, came to York, at Christmas. He was received in that city by the king of England, accompanied by his queen and the royal bride, and by a very numerous and splendid assembly of the great men of his kingdom. There was also present Mary § the queen-dowager of Scotland; who had not long before passed through England, in her way to France, to visit her friends and native country; and returned, to attend her son's marriage,

Mat. Paris, 715, 716.

* *Clericos inde monere* (MS. *namare*).

† *Et de illis et non aliis judicari* MS. *Sic d ealiis & non alios judicari*).

‡ *In burgh et outburgh poteſtatem habebunt* MS. *in burgh et in Suthburgh*),

§ Matthew Paris says, that the queen, in the right of a widow, enjoyed the third part of the royal revenue in Scotland *(proventuum regni Scotiæ,)* amounting to more than 4000 merks, besides other poſſeſſions which were given her by her father Engelram. A little before he calls her revenue in Scotland 7000 merks. Her riches enabled her to appear at her son's marriage with a pompous and numerous retinue. Mat. Paris, p. 715.

with

with many nobles of that kingdom. Alexander, having received the ensigns of knighthood from the king of England, on Christmas day, was, on the day following, married to the princess Margaret; and the succeeding holidays were, on this joyful occasion, spent with extraordinary festivity. The king of Scotland having, at this time, paid * homage to Henry for the lands he held of him in England, it was proposed that he should also render fealty and homage for his kingdom of Scotland: but this was refused by the young king, who alleged †, that the object of his journey into England, was to cement peace between the two nations by a new tie of affinity, and not to treat of so arduous a question, concerning which he had not the opportunity of deliberating with his nobles. Henry, unwilling to disturb the joy of the marriage festival, by pressing what was so disagreeable to Alexander and his counsellors, did not for the time insist farther on his demand.

Alexander III. K. of Scotland.

A. D. 1251. Rym. tom. i. p. 466.

The young queen, accompanying her husband to Scotland, had English attendants of both sexes appointed her by her father, to take care of her person and education. The ministers and counsellors of the young king were also changed, by the influence of Henry. The chief of these was Alan the porter (Ostiarius) justiciary of Scotland, who was married to the king's natural sister, and was accused of a treacherous design on the crown, in soliciting at the court of Rome the legitimation of his wife or her daughters, that they might be capable of succeeding the king, if he should die childless. The chief accusers of Alan and his fellow counsellors were Walter Comyn earl of Monteith, and William earl of Mar. Some of the accused, not thinking themselves safe at York, secretly withdrew to their own country; and a new appointment was made of guardians and ministers for the young king; at the head of which was the earl of Monteith.

Mat. Paris, p. 717.

Ford. l. 10. c. 4, 5. Chron. Mailr. p. 219.

Although the king of England had bound himself, by his oath to the Pope, to set out for the Holy Land before Midsummer, yet such troubles arose in his French territories of Guienne, from the tyranny and oppression of their governor Simon de Montfort, as made the king's presence, and the exertion of all his force, necessary in that quarter. But the accustomed difficulties he found at home, in obtaining sufficient aids for his intended expedition, delayed his setting sail till the end of the following summer. His success after he arrived was speedy and entire: his vassals were soon reduced to obedience, and Alphonso, king of Castile, who pretended a right to some parts of Guienne, and had fomented the late disorders, was changed from an enemy into a friend, by a marriage between Eleanor his sister and prince Edward of England.

A. D. 1253. August 6.

A. D. 1254.

In this expedition to Guienne, Henry was followed by Alan, the Scottish baron beforementioned, who, by the courage he displayed in the king's service, not only regained his favour, but obtained credit with him, in the

Chr. Mailr. p. 220.

* *Homagium, ratione tenementi quod tenet de domino rege Anglorum de regno scilicet Angliæ, Laudiano videlicet et reliquis terris.*" Mat: Paris, 716. No mention of this or of any homage in Fordun, or the Melrose Chronicle.

† It would be much more proper to ascribe this answer to Alexander's counsellors than to himself, who was at that time a child little more than ten years old.

recri-

Henry III. K. of England. 1251.

recriminations * he brought against the opposite faction, into whose hands the young king and queen of Scotland were put, after their marriage. These recriminations were succeeded, by the informations of others, and by complaints transmitted from the young queen † of the hardships she underwent from the guardians of the king and herself ‡, who held her in strict confinement, refused her the attendants and maids she chose, and debarred her from the embraces of her husband. It was with the declared intention of remedying these disorders, and putting his daughter and son-in-law into a more agreeable situation, that the king, in the end of the summer after his return from France, made a progress, with his queen, towards the marches of Scotland.

Rym. tom. i. p. 560.

A. D. 1256.

For the better effectuating of his purpose of changing the administration in that kingdom, he sent before him Richard Clare, earl of Gloucester and Hereford, and John Maunsel the king's secretary, and provost of Beverly, with general letters of credence to the subjects of the Scottish king, and with powers to take into Henry's protection all who would adhere to him, against those who had demeaned themselves in an injurious and rebellious manner towards the king and queen of Scotland. They carried an express protection to Patrick earl of Dunbar, and to the earls of Strathern and Carrick, together with eleven other Scottish chieftains, named in the writing §; to all whom the king engaged for himself and his heirs to give faithful aid in attacking and distressing the offenders above named; declaring it to be his desire, that they should thus procced against them. He farther promised to attempt nothing against the person of their king, nor to insist on his being *disinherited:* he engaged likewise, not to endeavour to dissolve the marriage between Alexander and his daughter, nor to make any peace or truce with the foresaid rebels and traitors upon the above mentioned heads: and finally, that this writing should continue in force until the king had completed his twenty

Rym. tom. i. p. 558, 559.

*Ipsius exhæreditationi.*

* Perhaps, it was in consequence of these recriminations, that Simon de Montfort Earl of Leicester was sent by Henry to the king of Scotland, to communicate to him some secrets, with which the king of England had for that purpose intrusted him. Rym. i. 528.

† Reginald of Bath, an expert physician, who was sent by the queen of England to take care of the health of her daughter and son-in law, incurred the resentment of the guardians and ministers of the young king and queen, by accusing them openly of their maltreatment of their sovereigns; he died soon after at Edinburgh, and believed he was poisoned by the contrivance of those whom he had provoked; and when dying, wrote letters to the king and queen of England, charging the guardians with his death, and with their barbarous and inhuman treatment of the king and queen of Scots. M. Paris. 780.

‡ The persons whom Henry had chiefly trusted (as appears from Mat. Paris) in the management of affairs, at the Scottish court were, Robert de Ros, and John Baliol, whom that historian calls men of great power and authority. They had great estates in both kingdoms. M. Paris says, that the king resenting the rebellion of the northern barons against his father, had stript them of their estates and bestowed them on strangers; and that this severity had been exercised towards all, except Robert de Ros and John de Baliol, who now fell under his displeasure. Robert de Ros pleaded that he would not suffer the king and queen to sleep together, because of their youth; which seems to be a very good defence, the king not being yet fourteen yearsof age. M. Paris, 798.

§ These were Robert de Brus, Alexander Steward of Scotland, Alan Ostiarius, David de Lindesai, William de Brechin, Walter de Moray, Robert de Mesneres (Al. Meyners) *i. e.* Menzies, Walter le Senescal (Ita) John de Crauford, Hugh de Crauford, and William Kalebraz. A general clause is added, *Omnes alios qui nobis hærere voluerint.* Rym. i. 569.

first

first year. The earl of Gloucester and Maunsel, speedily and unexpectedly entering Scotland with a considerable body of armed followers, and acting in concert with the earl of Dunbar, Alan the porter, and their adherents, surprised the castle of Edinburgh *, and thereby got into their power the persons of the king and queen. One cause of the queen's complaints they instantly remedied, by putting her to bed with her husband; but apprehending an attack from the combined forces of the opposite party, they quickly conveyed their prize, defended by a strong guard, to the castle of Roxburgh. Alexander III. K. of Scotland. 1255. Mat. Paris.

The king of England, informed of the good success of his forerunners, which success assured him of settling all things in Scotland to his wish, did immediately give warning to his military tenants, and the other armed forces of his kingdom, to repair to him with all speed, to accompany him to his northern frontiers. For the support of his friends and effectual resistance of his adversaries, it was requisite he should be thus attended: but the approach of so great a force tending to excite a consternation, and suspicions that were hurtful to Henry's designs, he emitted, when at Newcastle, a declaration disavowing all intention to violate the state and liberties of the king and kingdom of Scotland, in his present visit to his son and daughter; and that he did not mean that these liberties should suffer hurt from the change that was made in the counsellors and great officers of Alexander, at the time of his marriage at York. Assurances of the same strict regard to the persons and liberties of the king and kingdom were included in the safe conduct sent from Chillingham to the king and queen of Scotland, on their coming to Henry at Wark, or any other place on the marches. The attendants appointed to conduct and to reconduct in safety the king, queen and all their company, were Henry's two half brothers, Geoffrey de Lusignan, and William de Valence, together with four of his principal earls †, and Maunsel his secretary. Rym. tom. i. p. 560. Ibid. p. 561. Aug. 25. Ibid. p. 162. Sept. 5.

The king and queen of England having come to the castle of Wark, ‡ were visited there, probably on the day after their arrival by the king and queen of Sept. 6.

* The Chronicler of Melrose and Mat. Paris relate this surprise of the Maiden-castle with different circumstances, though in the main they agree. The Chronicler says, that Alan the porter and his associates, having come to a convention of estates at Edinburgh, did there consent to an agreement with the opposite party; for the final adjustment of which a new meeting was to be held at Stirling: and that the king's guardians and counsellors having gone thither to make preparation for that assembly, earl Patrick and his associates seized the opportunity of their absence, and surprised the castle of Edinburgh, where they were soon joined by the earl of Gloucester and Maunsel. M. Paris relates, that the earl of Gloucester and Maunsel, leaving their attendants at a proper distance, were admitted into the castle as knights, that depended on the family of Robert de Ros, and that their followers entering one by one, so as to give no alarm, at last grew to be too strong for the garrison. The Chronicler of Melrose, being one of the party of the ejected courtiers, says not a word of the complaints of the young queen, or of any maltreatment she had received.

† The earls were, Richard de Clare earl of Gloucester and Hereford, R. de Bigod earl of Norfolk and Marshal of England, William de Fortibus earl of Albemarle, and Edmund de Lacy earl of Lincoln. Rym. tom. i. p. 563.

‡ The castle of Wark was, at this time, in the possession of Robert de Ros, the younger son of Robert surnamed Furfan, who built the castle of Helmsley or Hamlake in Yorkshire, and rebuilt that of Wark in Northumberland. He inherited the barony of Walter Espec the father of his great

Henry III. K. of England.

1255.

of Scotland, who, as is evident from what is above related, resided at that time in the neighbouring castle of Roxburgh. The king of Scotland returned the same day; but, moved by the entreaties of her parents, left his queen at Wark, to attend her mother; who was sick. Henry on the day following, in compliance with the invitation of the young king and his counsellors, went to Roxburgh; where Alexander received him with the highest demonstrations of joy, and conducted him with a pompous procession to the church of Kelso. Henry addressing himself to the great men assembled there *, recommended the care of the king and nation to the earl of Dunbar and his associates; and, after partaking of a royal entertainment, returned to Wark.

Chron. Mailr. Rym. tom. i. p. 565. Chr. Mailr.

Henry remained at that castle, or in its neighbourhood, fifteen or sixteen days; during which time, the Scottish nobles of his party who were assembled at Roxburgh, came to certain resolutions, which being reduced into a written deed in name of their king, was delivered to Henry, before he set out on his return to the interior parts of his kingdom. This deed bears, that Henry, having for the honour and benefit of the king and kingdom of Scotland, come in person to the march between the kingdoms, Alexander at his request, and by the advice of his prelates, nobles, and barons †, had removed from his council and their offices, his late counsellors and servants, as their deserts were said to require. Alexander also binds and obliges himself not to admit these persons or their friends to his favour, or to any place in his council, or the management of the affairs of his kingdom, until satisfaction be made by them to himself and the king of England, for offences they were, or might be charged with. He also promises to compel them, if necessary, by every just method to make this satisfaction; but a power is reserved to him of calling and admitting them and all others to his aid, in case of an invasion of his kingdom by any foreign prince. In the room of those removed, he nominates

Sept. 20. Rym. tom. i. p. 565.

great grandmother. He gave Wark to his younger son Robert, who, on this occasion, delivered it to the king; it seems the king had, at that time, a suit against Robert for the right to that castle; but the king engaged, that no advantage with regard to that suit should be taken of the present surrender. Dug. Bar. 2. 554.

* Fordun says, that the two kings, together with the nobles of each kingdom, held a long conference *(diuturnum colloquium)*. He only says in general of their resolutions, that *many* of them gave offence to the prelates and nobles of Scotland, but that *some* of them were profitable to that kingdom. Ford. l. 10. c. 9.

† The prelates, &c. who are said to have been the advisers of this change, were the bishops of Glasgow, Dunkeld, Aberdeen, and the elect of St. Andrews (Gameline,) the abbots of Dunfermling, Kelso, Gedwurth, and Newbottle; the earls of Fife, Dunbar, Carrick, Strathern, Alexander Steward of Scotland, Robert de Brus, Alan the Porter, Walter de Moray, David de Lindesay, William de Brechin, Hugh Giffard, Roger de Moubray, Gilbert de Hay, Robert de Meyners, William de *Duneglas (a)*, John de Vaux, William de Ramsay, (in all twenty-five,) and it is added, several others of the king's barons.

(a) It is Duneglas, probably mistaken for Duveglas, i. e. Douglas. See Home of Godscroft, p. 12. Fol. edit.

The persons removed from the king's council and service were, the bishops of Glasgow and Dumblane, and the elect of St. Andrews, William Cuming earl of Monteith, Alexander Cuming earl of Buchan, Wiliam earl of Mar, John de Baliol, Robert de Ros, Aymer de Hikeswell and his wife Mary, John Comyn, Nicholas de Soules, Thomas de Normanvill, Alexander Vinet, John de Aundemor, David de Graham, John le Bland, Thomas Ralphson, Hugh Gurley, and William his brother, William Wishard archdeacon of St. Andrews, Brother Richard almoner of the Templars, David de Louther, John Wyschard, William de Canerhon (Cameron), and William, lately the king's chaplain. (In all twenty-six.)

a list

Alexander III. K. of Scotland. 1255.

a list of successors * chosen out of the number of those, by the advice of whom the change was made. These were to hold their places in council and their employments for seven years, if not deprived for their misbehaviour; and if any of them should be removed on this account, or by death, a successor was to be appointed by the remaining members of the council. The direction of every thing relating to wards and escheats, was to be in the hands of these counsellors and their king. By the same authority, were sheriffs, foresters, and other inferior officers, to be removed when guilty of offences that deserved it, and others substituted in their place; and without the joint advice of these counsellors, none of the royal castles were to be taken out of the keeping of those to whom they were at present intrusted. Alexander farther promised for his own part, the most affectionate and honourable treatment of his queen, and to procure due respect to be shewn her by all in his kingdom: finally, he ratified and approved of all reasonable obligations and concessions made by his prelates and great men to the English king, as proceeding from his own command and will. In confirmation of all the above articles †, he made Patrick earl of Dunbar to swear upon his soul; and for enforcing the observation of them, subjected himself to the censures of the Pope. But this writing at the end of the above mentioned period of seven years, was to be restored to the king and his heirs, and never after to be of force ‡.

This deed being sealed and attested by king Alexander at Roxburgh, was immediately transmitted to Henry, who on the same day it was delivered to

* The new counsellors and ministers were, the bishops of Dunkeld and Aberdeen (Richard and Peter); the earls of Fife, Dunbar, Strathern, and Carrick, Alexander Steward of Scotland, Robert de Brus, Alan the Porter, Walter de Moray, David de Lindesay, William de Brechin, Robert de Meyner (Menzies,) Gilbert de Hay, and Hugh Giffard. (In all 15.) Of these, Richard bishop of Dunkeld was appointed chancellor, David de Lindesay great chamberlain, and Alan the Porter chief justiciary. So Fordun, l. 10. c. 9.

The king of England took care to punish his own subjects Robert de Ros and John Baliol. He seized the lands of the former, and made the latter, who was very rich, purchase his pardon by a great sum. M. Paris, 781. The same author says afterwards in p. 821. that Robert de Ros, the most eminent of all the Northerns, was pitifully and irrecoverably destroyed. Yet Dugdale quoting original charters, says, that though Robert de Ros was fined 100,000 merks, it was afterwards forgiven him. The king also quitted the claim to the castle of Wark. Dugd. ii. 554.

† These obligations are in this deed mentioned only in this general manner; but the deed itself must certainly have been what the Mailros Chronicle calls it, that execrable writing drawn up and sealed by the earl of Dunbar and his party, containing, as the author of the Chronicle supposed, many things that tended to the dishonour of the king and kingdom. The same Chronicler says, that the king of England had returned home, much offended at the bishop of Glasgow, the elect of St. Andrews, Walter Comyn, earl of Monteith, and the other great men of the land, for not putting their seal to that writing. The abbot of Melrose is not in the list of the convention at Roxburgh; nor were any of the abbots there present put into the list of new counsellors. The bishop of Glasgow and the elect of St. Andrews were also excluded from that number, on account, as is probable, of the opposition made by them to the measures of the meeting.

‡ On the same day on which this deed was delivered to Henry, he sent a written obligation to the king of Scotland, engaging, that the queen of Scotland should be restored to her husband, or his knights carrying this obligation, as soon as her mother the queen of England was recovered, and should set out from Wark towards the southern parts of England. Rymer, p. 565.

Henry III. K. of England. 1255.

him, annexed to it at Sprowston *, a declaration bearing his engagement, that nothing in the written deed of the king of Scotland should, after the expiration of the abovementioned term of years, be of prejudice to the prince himself, his heirs in the kingdom, or the royal liberties, and that the deed itself, although utterly void, should for greater security be restored. The king of England having thus settled the affairs of Scotland to his mind, set out southward a day or two after: but the new council and minister of the Scottish king obtained from him before his departure, a written engagement to protect and aid them, against the oppression or assaults of the opposite faction, and to make neither peace nor truce with those rebels, without the consent of his present friends; who engaged on their part, to do their utmost to procure satisfaction from their adversaries for the injuries they had done to the king of England, and to conclude neither peace nor truce with them, without that king's concurrence. With the view also of supporting and increasing his party in Scotland, Henry, when at Alnwick, in his way southward, left full powers to the earl of Gloucester and John Maunsel, to treat and conclude in his name with all manner of Scottish persons.

Rym. tom. i. p. 567. Sept. 21ſt, at Wark.

Sept. 23d.

In the following summer, the young king and queen of Scotland made a visit to the court of England at Woodstock; where they were received by king Henry and his queen with the fondest parental affection, and entertained with much magnificence †. At this time, Henry, notwithstanding his own necessities, conferred on Alexander the county of Huntingdon ‡, with the honour belonging to it, as it had been held by some of his ancestors. Soon after, Henry issued orders to the fighting men of the five northern counties of England §, if the king of Scotland should stand in need of their aid against his rebels, to obey the commands that should for this effect be given them by John Maunsel: and, at the same time, Maunsel was sent towards Scotland, probably in the suite of the Scottish king, with powers, in Henry's name, to provide and order every thing that concerned Alexander, as he should judge most conducive to this prince's honour and interest.

A. D. 1256. Aug. 15. Mat. Paris, p. 799, 800.

Rym. tom. i. p. 605.

* Sproriſton, in the printed copy in Rymer, is an eaſy miſtake for Sprowſton, which muſt be undoubtedly the true reading. A memorandum annexed, ſays, that the king of England's letters patent, containing Alexander's deed, and Henry's declaration ſubjoined to it, were drawn up and granted to the king of Scotland, by the advice of his earls and barons, of whom ſeveral are named that met at Karliol (ſo printed), but the true reading is certainly Carham, where Henry might adviſe with his counſellors on the ſame day on which the writing of the king of Scotland was tranſmitted to him.

The city of Carliſle is diſtant from the village of Sprowſton betwixt ſixty and ſeventy miles, but the ſmall village of Carham is only at the diſtance of three or four miles from it.

† When Alexander and his queen, along with the king and queen of England, and a very numerous and ſplendid retinue of nobles and courtiers came to London, they were all feaſted in a very magnificent manner by Maunſel, whoſe houſe of *Totale* not being able to contain them, he was obliged to erect for their reception ſeveral magnificent and royal pavilions. Mat. Paris ſays, that ſuch a ſplendid, copious, and well conducted entertainment was never known to be given by a clergyman. Mat. Paris, p. 800.

‡ Alexander, however, does not ſeem to have obtained poſſeſſion of this county, for, according to Fordun, l. 10. c. 28. he ſent fourteen years after, (A. D. 1270.) Simon abbot of Dunfermling and William earl of Mar, to demand this county as rightfully deſcending to the king of Scotland from his anceſtors; but the king of England and his counſellors refuſed to give it up.

§ York, Lancaſter, Weſtmoreland, Cumberland, and Northumberland.

The

The new counsellors that Henry had placed around the young king, did not possess their offices without much uneasiness and danger from the eager resentments and great power of the opposite party. This party they further exasperated, by attempting to bring them to a rigorous account of their administration, and particularly of their management of the royal revenues, while the power was in their hands. The reigning faction did also provoke the bulk of the clergy, and brought upon themselves the displeasure of the Pope, by their severities against Gameline, whom the bishop of Glasgow had, in contempt of their prohibition, consecrated at St. Andrews. They seized and plundered the possessionsof Gameline's diocese, and obliged himself, as an outlaw, to abandon the kingdom. This prelate passing by sea from Scotland to France, and thence to Rome, carried his complaints to Pope Alexander, by whom they were favourably heard, notwithstanding the representations made by the messengers whom the king's counsellors had sent to Rome to defend their conduct. The Pope gave powers to Clement bishop of Dumblane, together with Matthew abbot of Melrose, to fulminate the censures of the church against Gameline's persecutors; who, not regarding the admonitions given them by these prelates, were at last excommunicated by name at *Cambuskenneth*.

Alexander III. K. of Scotland. 1256. Ford. l. 10. c. 9. Chron. Mailr.

Meantime, proposals were made by the Cumings and their adherents, for restoring domestic peace and giving satisfaction to the king. Some proposals of this nature were, in the beginning of the following year, sent up to the king of England from Roxburgh by the dean of Dunkeld and Adam de Morham *; but had not been approved at the English court. For, in the following summer, Mary the queen dowager of Scotland and her husband John de Acre, son to the king of Jerusalem, having solicited Henry for a safe-conduct, in passing from France through England to Scotland, it was granted to them, on the intercession of the queen of England's brother, Peter de Savoy earl of Richmond; but, under the express condition that they should bind themselves by oath, to attempt nothing to the prejudice of the king or kingdom of England, the king and queen of Scotland, or of the council which the king of England had assigned to these princes. It is probable, that those visitants, on their arrival in Scotland, assumed the office of mediators between the contending parties. For a meeting was soon after held at Stirling, for composing the strife between the king of Scotland and certain of his nobles; to attend which meeting, Henry, when on his march against the Welch, deputed the archbishop of York, the bishop of Durham, and five others †, with powers to conclude, in conjunction with the king of Scotland's council, what they judged for the honour of the two kings.

A. D. 1257. Rym. tom. i. p. 619. Rym. tom. i. p. 625, 627. Rym. tom i. p. 637. July 23d. At Coventry.

This meeting at Stirling, if it was really held, had not answered the end proposed. For, about two months after it, the earl of Monteith and his associates, by a sudden assault in the night, seized the king in his bed at Kinross; justifying their conduct by the alleged necessity of taking their sove-

Ford. l. 10. c. 10. Oct. 29. Chr. Mailr.

* The commiſſion of theſe meſſengers is atteſted by Patrick earl of Dunbar.

† The others were, Richard de Quincy earl of Wincheſter, B— prior of Durham, John Maunſel provoſt of Beverly, Gilberton de Preſton, and William Latimer.

reign

Henry III. K. of England.

A. D. 1258. March 18th, Rym. i. 653.

reign out of the hands of persons excommunicated by the papal authority, lest the whole kingdom should be laid under an interdict. This bold step they had probably been encouraged to make, by Henry's being engaged in a war with the Welch, and by his bad success in that war. And, early in the following year, the heads of this faction which now bore rule in Scotland, entered into a league * with Lewillen prince of Wales, and the lords of that nation, against the king of England as a common enemy. Upon king Alexander's thus falling into the hands of the party of the Cumings, Alan the porter fled to the king of England; his accomplices were scattered into different places, and the Englishmen, who possessed offices of honour and trust in Scotland, were obliged to return to their own country.

Chr. Mailr.

Mat. Paris, 821.

Chr. Mailr.

In the beginning of this year, king Alexander, accompanied by his new counsellors, had led an army to Roxburgh, in order to reduce the opposite party of nobles and barons, whose strength chiefly lay in that corner of the kingdom. In this reverse of fortune they obtained a respite from hostilities, by promising to appear on a certain day at Forfar, there to undergo a trial for the crimes laid to their charge; instead of which they abandoned their country, and repaired to their patron the king of England, to solicit his counsel and aid. This expedition of king Alexander to Roxburgh was in the time of Lent, which holy season the Scots and Gallowaymen in his army profaned, by eating flesh; and also committed various depredations in the adjacent country. Gameline † bishop of St. Andrews, informed of the revolution at home in favour of his friends, returned about this time to Scotland, and soon became a principal person in the administration.

The summer of this year was a very turbulent one in England. The overgrown nobles of that kingdom, at the head of whom was Simeon de Montford earl of Leicester, justly offended at the favour and exorbitant bounties of the king to his brothers by his mother, as well as to other foreigners, entered into a combination to expel them from the kingdom. But not content with effecting this, they established a council of the chief of their own number; to whom they obliged the king to commit the direction of all public affairs. Their profession was to reform all the disorders that prevailed in the state, and they required all to swear obedience to the regulations made by them for that purpose; which regulations were afterwards known by the name of the *Oxford provisions*. This new system was established in June, in a parliament held at Oxford; which, from its extravagant proceedings, was afterwards called the Mad Parliament.

By this situation of affairs in England, the influence of Henry in Scotland must have been greatly diminished. An attempt, however, was made to compose the strifes between the Scottish parties, by the mediation of certain

* The Scots who contract in this league are, Walter Cuming earl of Monteith, Alexander Cuming earl of Buchan justiciary of Scotland, William earl of Mar, William earl of Rofs, John Cumin juſticiary of Galwedia, Aimeris de Makefwell chamberlain of Scotland, and nine more.

† An order from Henry, was directed Jan. 22. to the barons and bailiffs of Dover and the other cinque ports, ordering them to watch for Gameline biſhop of St. Andrews, who had obtained ſome things at the court of Rome, tending to the diſheriſon (exheredation) of king Alexander, and if they found him, to arreſt him. Rym. ib. 652.

English

English grandees, commissioned by the king for this purpose, one of whom was the earl of Leicester *. He and the earl of Richmond came to king Alexander in September at Melrose, where that king waited the arrival of his army, which he had commanded to assemble in its neighbourhood, upon receiving information of the approach of his fugitive lords, accompanied with an armed force and certain nobles of England. Alexander now discovered, that the lords, who had come to negociate with him, had left their English and Scottish friends, together with John Maunsel, and some forces at Norham †: and his counsellors apprehending a plot to seize the king's person, and carry him into England, appointed Leicester, and his fellow commissioners, to wait upon him on the following day at Jedburgh; in the forest of which place a great part of his army was already assembled. Conferences were accordingly held at Jedburgh ‡, between Alexander's ministers and the English delegates for almost three weeks; and these latter seeing the king surrounded with an army far too strong for the party attached to England to contend with, applied themselves seriously to the re-establishment of peace. Conditions were at last agreed on; and Alexander's army dispersed, after the Scots and Gallowaymen in it had ravaged and laid waste all the neighbouring country. The regency of the kingdom was intrusted to ten persons; of which the queen dowager and her husband John de Acre were two; and the remaining eight consisted § of equal numbers, chosen from each of the rival factions. Of this settlement Henry notified his approbation by a written deed; in which he promised his counsel and aid to these regents, so long as they managed the affairs of Scotland agreeably to religion and justice, for the interest and honour of their sovereigns, and according to the laws and good customs formerly observed in that country. Walter earl of Monteith died soon after this settlement was made.

Alexander III. K. of Scotland. 1258. Rym. ib. 668. Chron. Mailr.

Rym. ib. 670.

In the following year, a long series of truces between England and France, issued in a treaty of peace; wherein Henry, by resigning his title to Normandy, and other provinces that had been lost by his father, obtained from king Louis, a prince illustrious for equity and moderation, a full acknowledg-

A. D. 1259.

* The other two were, Peter of Savoy earl of Richmond, and John Maunsel; their commission was dated Auguſt 4. But theſe who came to king Alexander at Melroſe, according to the Chronicles of that monaſtery, were, the earls of Hereford and Albemarle, and John de Baliol. C. M. 222.

† The government of the caſtles of Norham and Wark, was this year conferred on Robert de Neville, lord of Raby; and this lord was commanded by the king, to provide himſelf with horſe and arms, to march with the forces deſigned to reſcue the king of Scots from the reſtraint in which his rebellious ſubjects held him. Neville, in the year following, was made alſo governor of the caſtle of Bamburgh. Dugd. Peerage, vol. i, p. 291.

This Robert de Neville was the ſecond lord of Raby, of the name of Neville; being the grandſon of Robert Fitz Maldred, lord of Raby, who was the lineal male-heir of Uchtred earl of Northumberland.

‡ During theſe conferences, Robert abbot of Kelſo died, and Patrick, a monk of the ſame abbey, ſucceeded him. C. M.

§ Thoſe of the party of the Cumins, were Walter Cumin earl of Monteith, Alexander Cumin earl of Buchan, William earl of Mar, and Gameline biſhop of St. Andrews; and of the other party, Alexander Steward of Scotland, Alan the Porter, Robert de Meymer, and Gilbert de Hay. Rym.

ment,

Henry III. K. of England. 1259. A. D. 1260.

ment, and ratification, of his right to Guienne, with some other territories and places. In the end of this year, Henry passed over to France, to pay liege homage to Louis, for the territories ceded to him by the treaty; and returned to England, in the beginning of the following summer.

Rym. ib. 713, 714.

In the autumn of that year, the king and queen of Scotland making a visit * to the court of England; and the queen being with child, every assurance that the Scottish counsellors demanded was readily granted by the English king, with the concurrence of his reigning nobles, for preserving inviolate the liberty of king Alexander, his queen, and their offspring; and that, during this visit, no influence of any kind should be used, to make a change of Alexander's counsellors, or any way to direct the management of his affairs: and when the earnest entreaties of the king and queen of England prevailed with Alexander to leave his queen to bear her child with her mother, the free return of the queen, and her offspring; or in case of her death, the re-delivery of her offspring to her husband; or, if her husband should die, the re-delivery of the same

Rym. ib. 715.

offspring to the prelates and nobles of Scotland †, was promised by a solemn deed, which Henry delivered to Alexander. From the tenor of this deed it appears, that the chief administration of the affairs of Scotland, did, at that time, remain in the same hands in which it had been settled about two years before.

A. D. 1261.

The following year produced a change in the English administration, that gave birth to the most terrible intestine commotions. King Henry, supported by Pope Alexander, who absolved both the kings and his barons from the oath by which they had bound themselves, to observe the *Oxford Provisions*, and being also strengthened at home by the powerful earl of Gloucester coming over to him from the party of Leicester, expelled from the administration those whom the last-named party had put into it, and resumed the direction of all public affairs into his own hands. This he was able, with difficulty to hold about two years; in which space he was deprived, by death, of the earl of Gloucester ‡, and some others of his best friends. Mean while Simon de Montfort,

* This visit seems to have been the consequence of a message sent the year before, about the feast of St. Katherine's (Nov. 25), from the king of England, by William de Hortun, monk, and chamberlain of the church of St. Alban's. Mat. Paris, a monk of the same monastery, says, That Hortun travelled into the remotest parts of Scotland, where he found, according to his wish, the king and queen of Scotland, and the great men of their kingdom, assembled in a parliament. He proposed, and solicited, with great earnestness, that the king and queen of Scotland should make a visit to the court of England, to treat of some arduous and secret affairs. With much difficulty, he obtained the consent of the Scottish grandees to this request; which consent these grandees signified by a written deed, on the condition of their obtaining from the king of England, and his nobles, the written security which their messenger promised. Hortun returned home about the beginning of March, and was soon followed by three Scottish ambassadors, the earl of Buchan, William the Scottish chancellor, and Alan the porter, who were sent to treat more fully, concerning the above mentioned affair, with the king of England and his council. M. P. 844, 845. This is the last affair, relating to Scotland, that is mentioned in Matthew Paris's history.

† The magnates of Scotland; to whom, or to any four, or three of them, bringing with them Henry's obligation, the queen's offspring was to be restored, were the bishops of St. Andrews, Aberdeen, Dumblane, and Whittirn; and the earls *M. of F.* (probably the earl of Fife), A. Cumin of Buchan, M. of Stratherne, P. of Dunbar, W. of Marr, and John Comyn, Alexander Steward of Scotland, Alan Ostiarius, and Hugo de Abernith, barons. See above, p. 147.

A. Malcolm, earl of Fife, according to Fordun, died anno 1266.

‡ Richard earl of Gloucester died in 1262. Dugd.

Montfort applied himself with the utmost assiduity to strengthen his party both in France and England; and the effects of his endeavours did at last appear in his breaking out into open war against the king, and by a greatly superior force, compelling him to revive the Oxford Provisions, and to consent to such other terms of peace as it pleased the conqueror to dictate. Alexander III. K. of Scotland. 1261. A. D. 1263. July 18th.

During these distresses of Henry, his son-in-law of Scotland was alarmed by a formidable descent on the western coast of his kingdom, by Haquin, king of Norway. But the terrors of this alarm were dissipated, partly by a storm that destroyed many of the ships of the Norwegians, and partly by a defeat, which an ancestor of the royal house of Stewart gave at Largs, in Cunningham, to their forces, which had made a descent near that place. Oct. 2.

The king of England, upon the insurrection of his barons, had given Robert de Neville * the command of all his forces on the north of the Trent, together with the sheriffdom of Yorkshire, and keeping of the castle of York. Neville undertook this charge, but requested, in a letter to the chancellor, that the king would direct him to proper and sufficient funds, for defraying the expence attending it, as well as the keeping of the castle of Bamburgh, which was at that time, also in Neville's hands. To enforce this request, he informed the chancellor, that he had received sure intelligence, of the kings of Denmark and Norway having arrived amongst the Scottish isles, with a great multitude of ships; and as it was not certain what was their destination, there was reason to apprehend danger in the district intrusted to his care. Rym. i. 772. *Ut mihi significet ubi et de quo sive de quibus potero denarium perquirere.*

In the year following, king Alexander improving his successes against the king of Norway, which were soon followed by the death of the latter †; and having collected an army at Dumfries, to be employed in an expedition against the Isle of Man, the king of that island, who had formerly depended on the kings of Norway, yielded himself a vassal to the crown of Scotland. Alexan- A. D. 1264.

* Dugdale quoting original authorities, says, that R. de Neville was this year (47 Henry III.) made captain general of all the king's forces beyond Trent, &c. which confirms the accounts of Fordun and Forfæus, who places Haquin's descent on Scotland in 1263. Chron. Mailr. whom the learned editor of Fordun is inclined to credit, places this invasion in 1262. Fordun says, There were some of the borderers of Alexander's kingdom *(de finitimis regni)*, who wrote to king Haquin, animating him against their natural lord. This correspondence between Haquin and some of the male-content border chieftains in Scotland, was, perhaps, known to Neville; and gave occasion to the apprehensions expressed by him, in his letter to William de Merton, the king's chancellor, referred to in the text. Vol. i. p. 291. L. 10. c. 17.

Neville, about the same time, wrote a letter to the king, his master, requesting him to send orders to the lords Robert de Brus, John Comyn, John Baliol, Henry Percy, and his other great barons (*magnatibus*) in those parts, requiring them to be aiding to him (Neville,) in preserving peace in the country beyond the Trent. Rym. i. 772.

† Fordun relates, That king Alexander received, on the same day, the news of the death of the king of Norway, and of the birth of his son Alexander, whom his queen bore to him at Jedburgh, on St. Agnes's day, Jan. 21. l. 10. c. 18. Haquin, being succeeded by his son Magnus, the difference between the latter, and Alexander king of Scotland, about the Western Isles, was happily accommodated by a treaty, in which the king of Norway gave up his right to these islands, for the sum of 4000 merks, payable in four years after the date of the treaty; and an annual pension of a hundred merks, in all time coming. The Chronicle of Melrose extolls the wisdom and eloquence which Reginald of Roxburgh (a monk of Melrose) displayed, in negociating this treaty for his master, king Alexander, at the court of Norway. Ford. l. 10. c. 19. Chr. Mailr. ad ann. 1265, 1266. Ruddim. Not. ad Buch. l. 7. July, 1264.

Henry III. K. of England. 1264.

der, thus freed from the dread of the Norwegians, became more capable of giving aid to his father-in-law. It is probable also, that many of Alexander's counsellors and nobles were the more inclined to espouse the king of England's cause, from the open declaration made by the king of France, in his favour: for the war having soon been rekindled between Henry and his barons, both parties agreed to make Louis the umpire of their differences; who gave an award wholly on the side of Henry. But Montfort, and his accomplices, disdaining to submit to a decision so destructive of all their former pretensions, broke out into a new and furious war; wherein prince Edward displayed his extraordinary courage and abilities in his father's defence. Early in the spring, Henry was joined by a great body of forces, commanded by the northern barons; John Comyn, John Baliol, Robert de Brus, Henry de Percy, and others *; of whom the three first-named had great possessions in both kingdoms, and were now the chief leaders of the Scottish auxiliaries. These barons were present with Henry, in a conflict with his rebels at Northampton, in which he was victorious; but this success was soon after reversed by the fatal battle of Lewes, in Sussex, in which Montfort triumphed; and the unhappy king, his gallant son prince Edward, and his brother Richard, king of the Romans, became the victor's prisoners. In this battle, John Comyn, and Robert Brus †, were also taken prisoners; and almost all the body of foot that followed them from Scotland were cut off.

H-ming, p. 581. M. W. p. 385.

Montfort, thus acquiring the supreme power, and compelling the captive king to give the sanction of the royal name to all his orders, governed, without control, for more than a year. But prince Edward, having regained his liberty, and being joined by the earl of Gloucester and other barons, who were grown impatient of Leicester's tyranny and ambition put an end at once to the life and power of this famed rebel, in the battle of Evesham. Two of Montfort's sons, and others of his accomplices, who escaped the destruction of that day, made vigorous efforts to support their sinking cause, in different corners of the kingdom; but the king, chiefly by the prowess and wise conduct of his son Edward, did at last every where prevail.

A. D. 1265. Aug 4.

What contributed much to prolong the intestine troubles of England, was the rage and despair of many of the rebel barons, on account of the forfeiture of their estates, by a parliament at Winchester. One of these barons was John de Vesey; who having, in consequence of this forfeiture, been ejected from his castle at Alnwick, and lands adjacent, did enter into a combination with several northern barons, that were in the like circumstances with himself, for the recovery of his own, and their possessions. Vesey did accordingly reseize, by force, his castle and lands; but prince Edward coming against him, with a great body of forces, soon reduced him to such straits, that he was obliged to give up his castle, and to submit himself to the prince's mercy. This he

Thom. Wykes, p. 78, 79. Chron. Dunst. ap. Carte.

A. D. 1266.

* The states of Scotland, and Baldred Bisset, their agent at the court of Rome in 1301, affirm, That when Henry asked aid from Alexander, his son in-law, against Simon de Montfort and his accomplices, he acknowledged by his letters patent, concerning this affair, that he did not receive this aid of debt, but of special favour. Ford. l. 11. c. 53, 58.

† Matt. Westminster adds to these John Baliol.

obtain-

obtained *; and his accomplices, seized with consternation, soon desisted from their rebellious enterprises. Edward, when on this expedition, proceeded to Roxburgh; where he was received, and entertained, with the utmost festivity and joy by the king and queen of Scotland, attended on that occasion, by a numerous body of the nobles of their kingdom. But the king of England being reduced to new distress, by an insurrection of the Londoners, headed by the earl of Gloucester, prince Edward speedily marched to his father's relief, with an army of 30,000 men, among which was a body of Scottish auxiliaries †.

Alexander III. K. of Scotland. 1266. Ford. l. 10. c. 20. Mat. Weſtm. p. 399.

Henry's younger son Edmond, on whom his father had conferred the duchy of Lancaster, and the forfeited honours and estate of Simon de Montfort, earl of Leicester, made a visit, in the autumn of the same year, to the king and queen of Scotland, at Berwick; where king Alexander, accompanied by his nobles, celebrated with royal pomp his own birth-day ‡.

Ford. l. 10. c. 24. A. D. 1267. Sept. 4.

Ottobon, the Pope's legate, after having laboured with success, in settling the domestic peace of England, and also made some reform in the ecclesiastical affairs of that kingdom §, set about preaching a croisade for the relief of the Holy Land; in which Henry's two sons, and some of the chief of his nobles, engaged. There could not be a better expedient for preserving the tranquillity lately restored at home, than thus carrying to a distance the turbulent spirits who, on every occasion, were ready to disturb it. The two English princes, Edward and Edmund, in the same year they took the cross, visited the king and queen of Scotland at Roxburgh; and this visit was soon followed by a journey of Alexander and his queen to York: where they had the pleasure of seeing their father, the king of England, and of rejoicing with him in the repose and safety he had now attained, after the hazards and troubles with which he had so long struggled.

A. D. 1268. Ford. l. 10. c. 25. Rymer, ib. 851.

The Pope had, at the request of the king of England, issued a bull, imposing on the Scottish clergy the payment of a tenth of their revenues, for an aid to defray the expence of the two English princes, in their expedition to the Holy Land. Whatever complaisance Alexander shewed to his father-in-law

Ford. l. 10. c. 24.

* According to Dugdale, vol. i. p. 93. he partook of the benefit of the *Dictum de Kennelworth*, which was publiſhed Oct. 31, 1266; and which inſtead of the forfeitures made at Wincheſter, accepted of a compoſition of a few years rent of eſtates. He afterwards aſſumed the croſs, and went to the Holy Land with prince Edward. Hen. Knyghton, p. 2437.

† *Secum duxit de Scotia et de partibus borealibus* 30,000 *hominum bellatorum*. A little before he ſays, That king Henry *miſit pro Scotis & Francigenis*. Mat. Weſtm. p. 398, 399.

‡ Fordun relates, that this year, on the day before the feſtival of the 11,000 virgins, a prodigious ſtorm aroſe from the north; by which the ſea was raiſed to ſuch fury, that, breaking over its bounds, it levelled houſes, towns and trees, and did much damage in many places, eſpecially between the Tay and Tweed. Such a tempeſt, ſays the hiſtorian, had not been ſeen from the days of Noah to that day, as the veſtiges of it ſtill make evident. Ford. l. 10. c. 22.

§ Ottobon held a council at St. Paul's, where ſome conſtitutions were made, that in ſucceeding times bore the name of that legate. Richard biſhop of Dunkeld, and Robert of Dunblane, were at that council, repreſenting the Scottiſh biſhops, and the abbot of Dunfermlyn, and prior of Lindores, for the reſt of the clergy. Fordun ſays, That the legate made ſome new conſtitutions, particularly regarding perſons both eccleſiaſtical and ſecular, in Scotland; which the clergy of Scotland poſitively refuſed to receive. Ford. l. 10. c. 24.

Henry III. K. of England.

1268.

in other respects, he is said to have supported his clergy, in the universal opposition made by them to this demand. The plea on which they chiefly grounded their non-compliance, was, that a competent number of persons, in proportion to the extent of the kingdom, had engaged to go on this croisade from Scotland. The most considerable of these Scottish croises, were David earl of Athol, and Adam earl of Carrick; whereof the last-named died on that expedition at Acre in Phœnicia, leaving his estate and honours to Martha, his only daughter. This lady soon after married Robert Brus, the son and heir of Robert Brus, sirnamed * *The Noble.* Her husband became, by this marriage, earl of Carrick; and Robert Brus king of Scotland, was their first-born son.

The four remaining years of Henry's reign afford no events that have relation to our subject. His son prince Edward, occupied in preparations for his expedition, and in providing for the peace of the kingdom, before he left it, did not set out on his croisade until August 1270. He then followed Louis king of France, to Tunis; but that excellent monarch had breathed his last in the neighbourhood of that city, more than two months before Edward's arrival. In the following spring, Edward reached the coast of Phœnicia, where he raised the siege of Acre on his arrival; and afterwards, with an inconsiderable force, performed many great exploits. He set out upon his return to England, in the end of August in the following year; and, making some stay in Sicily, received intelligence, while there, of the death of his father; who, having declined in health ever since prince Edward left England, expired at St Edmondsbury November 16th, in the sixty-fourth year of his age, and fifty-sixth of his reign.

A. D. 1271.

A. D. 1272.

* This Robert Brus was lord of Annandale in Scotland, and of Cleveland in England.

THE

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND

## BOOK III.

Edward I. K. of England. Alexander III. K. of Scotland.

THE veneration which the heroism of Edward had gained to him in the minds of his subjects, together with the fidelity and vigour with which his counsellors and ministers conducted his affairs, preserved great order and obedience in his kingdom; although he did not return to it until the end of the second summer after his father's decease. Soon after his arrival, he and Eleanor his queen, were crowned at Westminster; at which solemnity* were present the king and queen of Scotland; and, on the day following, the Scottish king paid homage to Edward. Alexander and his queen, after being very honourably entertained at Edward's court, returned to Scotland; where the queen died the beginning of the following year.

A. D. 1274. Auguſt 2.

Auguſt 19.

A. D. 1275. Feb. 26.

By the death of the queen of Scotland, a strong bond of friendship between her brother and husband was broken. In the year following, Alexander complained of certain excesses committed by the king of England's officers within the Scottish march; to represent which, and obtain redress, he sent envoys to

Rymer, ii. 1064, 1065.

A. D. 1277.

* Fordun says, that Alexander was present here, *ſub libertate & proteſtatione ſolitis in conſimilibus coronationibus fieri conſuetis*; and agreeably to this account, among the list of papers relating to English affairs, found in the Scottish archives at Edinburgh, in 1282, there is a letter of the king of England's *quod adventus R. Scotiæ ad coronationem R. Angliæ Lundoniis non cedat regno Scotiæ in præjudicium*. Rym. ii. p. 217. Ford. l. 10. c. 35, and App. No. 26.

The Scottish king had the usual allowance of 100*s*. (5*l*. sterling) a day for his expences, in coming to attend king Edward's coronation. These amounted on this occasion, to 175*l*. which shews, that king Alexander was thirty five days in England. Robert de Stichill, bishop of Durham, died the 4th of August this year, as he was returning from the council of Lions; upon which the revenue of that diocese falling into the king's hands, the keepers of the vacant see were ordered by him to pay the above-mentioned sum to the king of Scotland. Robert de Stichill had been prior of Finkhall, and held the see fourteen years. Robert de Grazstanes, the Durham annalist of that period, relates that Robert de Stichill, having been a priest's son, a brother monk, who admired his uncommon talents and virtues, procured, without his privity, a dispensation, enabling him to be elected even to the episcopal dignity. This brother was Henry of Horncastre, afterwards prior of Coldingham. Rym. ii. p. 42. Whart. Ang. Sac. i. p. 742.

It is spelt in Ann. Waverl. Stitchill.

the

Edward I. K. of England.

the English court. Not long after, Robert bishop of Durham * complained to Edward of certain encroachments, which he pretended were made by the king of Scotland in those parts, where the territory of the bishopric adjoined to Scotland. On receiving this complaint, Edward sent a letter to the king of Scotland, admonishing him not to stretch his march beyond the ancient and accustomed line. To carry an answer to this admonition, and to refute the bishop's charge, Alexander sent two of his prelates, an earl and a baron †; who came to Edward at Byrthened, when engaged in his first expedition against Lewellyn prince of Wales. These ambassadors affirmed, in their master's name, That no transgression had been made upon the boundaries, known and allowed, from time immemorial down to the present; but, as Edward had been otherwise informed, they proposed that the matter in question should be amicably terminated, by men of experience and probity, chosen by each side, according to the laws and customs of the march. Finally, they told him, That the king their master requested him, as a brother and friend, not to give credit to any person who sought to disturb him in rights and possessions which his ancestors and himself had so long enjoyed.

1277. Rym. ii. 86.

A. D. 1278. Rym. ii. 126.

It is probable, that the homage paid by Alexander to Edward in the following year, was the consequence of this controversy ‡; although it is not distinctly

* He was called Robert de Insula, and succeeded Robert de Stichill. The Waverley annalist calls him Robert de Halicland. He was probably a native, or monk of Holy Island, Whart. Ann. Waver. 229.

† The bishops of St. Andrews and Dumblane, Robert de Brus earl of Carrick, and Richard de Sratun.

‡ The English annalists take no notice of this controversy between the king of Scotland and bishop of Durham; and give no precise account of the reason of the renewal of Alexander's homage at this time. Thomas Wykes, a cotemporary, and who gives the most particular account of this homage, says, That he knows not whether willingly, or otherwise, Alexander came into England, and in every thing complied with the king of England's demands. He adds, "et ut tantæ "deditionis triumphus nostros regnicolas non lateret in posterum, rex Scotorum regi nostro fecit "homagium, hoc cum obtento, quod de cætero, ubicunque in regno Angliæ posset inveniri, ibidem "suorum et posterorum suorum homagium rex et posteri sui recipere non differrent, pactis quoque "super hoc firmissime solidatis." Carte, from some MS. authorities in the Tower of London, says, That Alexander waited on Edward at Tewksbury on Oct. 16, and offered his homage there; but that Edward declined receiving it, because he had not his council with him. And in the list of English papers, found in the Scottish archives in 1282, there is the title of a letter from the king of England, declaring, That it should not be to the prejudice of the king of Scotland, that the reception of his homage was prorogued from Tewksbury to London. This is something like the grant which Wykes mentions, and sneers at in the above quotation. More than six months before this homage was performed, king Alexander had sent ambassadors *(solemnes nuncios)* to Edward, offering homage under a certain condition *(conditione aliqua)*; and Edward accepted of the offer, and appointed it to be performed at London, fifteen days after Michaelmas: This Edward writes to his ambassadors in France; and his expression seems to import, that he had intimated the acceptance of Alexander's offer, on the condition on which it was made. Carte, therefore, seems to be inaccurate, in saying, That Alexander at last agreed to *do homage, without any condition.* Wykes farther says, That the king of Scots, on the summons of Edward, came into England, to renew in person the homage he had paid to king Henry, for the lands nigh the Borders of Scotland that he held of him: and this is agreeable to the famous letter of Pope Boniface sent to Edward I. in 1300; which letter says, That the homage now paid, was for the lands of Tindale and Penrith. Rym. ii. 109. Chr. T. Wykes, 107. Carte, ii. 187. Fordun placing this homage in 1277, says, That king Alexander going that year on a pilgrimage to St Thomas of Canterbury, paid his homage to king

Rym. ii. 844. Bel. p. 420.

Alexander III. K. of Scotland.

A. D. 1278.

stinctly related, how the controversy was conducted to that issue. This homage was performed in the presence of an English parliament, held in the palace of Westminster, after Michaelmas. Alexander appearing there in person, declared, that 'he became the liege-man of the king of England 'against all people': which homage the king of England received, 'reserving 'the right and claim of himself and his heirs, to the homage of the Scottish 'king and his heirs, for the kingdom of Scotland, when they should incline to 'treat of that matter.' The king of Scotland next offered to Edward his fealty, but begged he might be allowed to make it by the mouth of Robert Brus, earl of Carrick; which Edward, 'of special favour, granted for that 'time.' Whereupon Robert de Brus, at Alexander's request, and receiving power from him to swear upon his soul, did accordingly swear, that Alexander should "bear good faith to lord Edward king of England, of life, limbs, "and earthly honour, and faithfully perform the services due for the lands "and possessions he held of the king of England;" which fealty so sworn in his name and stead, king Alexander did immediately confirm and ratify.

Rymer, vol. ii. p. 126.

The matters in dispute between the king of Scotland and bishop of Durham had been under consideration of that English parliament before which Alexander performed his homage, and afterwards had been heard before king Edward and his council, in presence of certain deputies constituted by king Alexander for that purpose, upon his leaving the English court; and some articles had been agreed on, for terminating the strife between the king and prelate. But as the carrying of these articles into execution, and a more particular examination of the matters in debate, required the presence of proper judges on the spot, the king appointed the bishop of Norwich, and three other delegates *. to repair, in the middle of Lent, to places in Northumberland contiguous to the disputed claims of each party; and to hear, reform, and terminate their controversies, according to what had been concluded and agreed in the English parliament and council, and as to their own discretions should appear most expedient.

Rym. vol. ii. p. 129.

king Edward, with a salvo of all his dignities, as he had done with his father, for the lands and lordships of Penrith, and several others, which king Henry had given him in marriage with his daughter Margaret queen of Scotland now deceased, also for other lands and ancient honours, formerly held by his predecessors the kings of Scotland; except the earldom of Huntingdon, which Edward in fact retained to himself, as Henry had done before him. Ford. l. 10. c. 36.

Nicholas Trivet, a cotemporary of Edward, copied by Walsingham, says, That Alexander came into England, to consult with Edward about the weighty affairs of his kingdom. Some he adds, think that Alexander performed homage at that time; which others affirm more truly to have been done on the day following the king of England's coronation. But he adds a circumstance not mentioned by Wykes, viz. That Alexander obtained from Edward letters testifying that the aid given by the former in the war of Wales, was not in the name of service. This is perhaps the letter in the list of papers in the Scottish archives, so often already referred to, intitled *Litera Edwardi de succursu petendo a Rege Scotia.* (It is added, *et est duplicata.*) Triv. Ann. 252. Walsingh. Ypod. Neustr. p. 474. Rym. ii. 217.

Trivet, prior of the Dominicans at London, died about the age of 70. An. 1328. Testim. Annal. Præf.

* The three other delegates were, John de Vesey, Master Robert de Scardeburg, and Thomas de Normanvill. The commission also mentions, that the king had commanded his sheriff of Northumberland, to cause so many, and such knights, &c. to attend them, at the times and places they should appoint, as might be necessary for the better discovery of the truth in this matter. Rym. ib. 130 Fordun mentions the sheriff of Newcastle, as one of the English commissioners that came to Tweedmouth.

These

Edward I. K. of England.

A. D. 1279. Ford. l. 10. c. 87.

These commissioners, and along with them, according to Fordun, the bishops of Durham, came to Tweedmouth; while, at the same time, the bishops of St Andrews, Glasgow, and Dumblane, together with certain Scottish earls and nobles, convened at Berwick, to treat with the former concerning the disputed boundaries. But the commission of the English delegates gave them the full powers above described, without making the least mention of their negociating, or acting in concert with the commissioners from the king of Scotland. It seems not improbable, that the Scots remonstrated against this manner of proceeding as a plain usurpation; and that their refusing to acknowledge the authority which the English commissioners would no doubt claim in virtue of their commission, was the reason that the matters in dispute were not at that time settled.

It is probable, that the feeble and dependent state into which Edward had brought the prince of Wales by a successful war, and by a peace, the conditions of which Edward himself dictated *, served to inspire or foment his ambition of extending his sovereignty over the whole island. On the other hand, the king of Scotland, though jealous of his independency, was yet willing, for the sake of maintaining peace with a prince with whom he had been so long and intimately connected, and who was so much his superior in power, to make all the concessions that were anywise compatible with the rights of his crown: contenting himself with these concessions for the present, Edward waited a more proper season for fully effectuating his aims on the side of Scotland. In the year after that in which Alexander did him homage, he passed over to France to visit king Philip, the lord paramount of his foreign dominions; and concluded a peace with that monarch, settling all their differences which had not till that time been wholly adjusted. And, in the four years of foreign and domestic peace, which England enjoyed between the conclusion of the first and beginning of the second war of Wales, Edward employed himself very diligently in augmenting the interior strength and order of his kingdom, by making, with the advice of his council, many good and useful laws.

A. D. 1280. During the interval just mentioned, and soon after it, the royal family of Scotland was reduced to extreme weakness. The first diminution it suffered, was by the death of David the youngest of Alexander's children. After this prince's death there remained Alexander, apparent heir to the crown, and the princess Margaret. In the year following David's death, a marriage was concluded between this princess, then twenty years old, and Eric king of Norway,

A. D. 1281.

* Befides the evidences of Edward's intention to eftabliſh his ſovereignty over Scotland, ariſing from the ſalvo with which he received Alexander's homage, from his manner of proceeding with regard to the ſtrife between the king of Scotland and biſhop of Durham, and the tenor of the commiſſion he gave for terminating it; this view farther appears from a particular inſtruction given to the biſhop of Norwich, who is the firſt perſon in that commiſſion, to make diligent inquiry concerning the homage and all circumſtances relating to it, in the moſt cautious and ſecret manner he could, but to take no ſtep about it without a ſpecial order from the king. Rym. vol. ii. p. 130. It had probably been in conſequence of this order to Norwich, or ſome like order, that the papers in the archives at Edinburgh had been viewed by ſome agent of the king of England, and the catalogue ſent of them which is in Rym. ii. 215—219.

a boy

Alexander III. K. of Scotland.

1281.

Rym. ii. 1079: Ib 218.

July 25th.

Ford. l. 10. c. 37.

a boy not yet fourteen years of age, who had lately succeeded his father Magnus. The contract for this marriage * was drawn up at Roxburgh, the parties on one side being the king of Scotland in the name of himself and daughter, with the consent of his son lord Alexander, and his whole council; and on the other side, the bishop of Orkney and three others, as procurators and special messengers of Eric king of Norway. The princess, with a splendid retinue, accompanying her from Scotland, had a speedy and prosperous passage to Norway; where, soon after her arrival, she was married and crowned. But, in the twentieth month from her, leaving Scotland, she died, after having brought forth a daughter that survived her and was called by her name. Alexander prince of Scotland, in the year after the marriage of his sister, took to wife Margaret †, a daughter of the earl of Flanders. The nuptials were celebrated at Roxburgh by a feast that continued fifteen days, at which were present many prelates and nobles of the kingdom. But this was a short lived joy; for Alexander died ‡ in the following year, before he had completed

A. D. 1283. April 9th. Ford. l. 10. c. 37. Rym. tom. ii. p. 209. Ib. 613.

* The dowry of Margaret was 14,000 merks ſterling, (23,000*l.* preſent money,) one fourth of it to be ſent over with her, and the remainder to be paid in three years, at Lammas in each year. The king of Scotland had it in his option to give land for the half of it laſt payable, at the rate of 100 merks rent *per ann.* for each 1000*l.* in the principal ſum. The jointure ſettled by the king of Norway was 1400 merks *per ann.* In caſe alſo of the king's dying firſt, half of her (Margaret's dowry was to be repaid her, in two years after his death. If, on that event, ſhe left the kingdom, the place of repayment was to be Berwick. This was alſo appointed to be the place of paying the forfeiture of 100,000*l.* ſterling by the king of Norway, if he ſhould violate this contract, before or at his arriving to the age of fourteen; the king of Scotland incurring, for the violation of it, a forfeiture of the ſame ſum to be paid at Bergen in Norway. But for theſe ſums there was an alternative on each ſide; of the Orkneys, and an annual tribute of 100 merks for the Weſtern Iſles, on the part of the king of Norway; and of the Iſle of Man, on the part of king Alexander. Six hoſtages for the king of Norway's fulfilling this contract, were to be delivered to king Alexander at Berwick, and to be reſtored at the ſame place, upon their maſter's attaining the age of fourteen, and making good the contract, under the forfeiture of 100,000*l.* or the Iſle of Man. Twelve of Alexander's chief nobles ſwore, that they would take care and procure that their king ſhould fulfil this contract. Among theſe were Patrick earl of Dunbar, and his ſon of the ſame name.

The original from which this is publiſhed in Rymer, is indorſed, *ſcriptum cirographatum apud Berewyc*, and there is added *duplicatum; ſet alterum eorum fuit miſſum in Norwegiam; ſet fuit reportatum et ſubmerſum cum nuntiis regis.*

† On the marriage day, the king aſſigned to his daughter-in law as her dowry 1300 merks (2600*l.* ſterling), to be received at the town of Berwick, and the manor of Linlithgow, to which manor belong 200 merks (*ad quod manerium pertinent ducentæ marcæ*). The whole ſum of 1300 merks was to be paid out of theſe farms [conſequently that of Berwick was worth 1100 merks]. Two procurators from the earl of Flanders, John Vicecomes de Pinkeney and Razo de Gour, came to John Baliol's held parliament at Stirling, on the morrow of Lammas 1293, to demand in a friendly way, the arrears of this ſum due ſince the death of king Alexander. Margaret, prince Alexander's widow, had been married to the earl of Gueldres, and her huſband and ſhe had given letters patent to the earl of Flanders and his wife, granting them power to receive from the king of Scotland the abovementioned rent for their own behoof; and the earl of Flanders gave his letter to the two perſons abovementioned, to receive the money in his name. The king delayed giving an anſwer until he ſhould adviſe with his friends and relations in England, whither he was going to attend Edward's parliament after Michaelmas, and promiſed a friendly anſwer at his own firſt parliament, after his return from England. Rym. ii. 613.

‡ It appears, that the prince of Scotland had laboured under ſome dangerous diſtemper before his marriage. There is a letter from him to the king of England in Rym. tom. ii. p. 209. entreating that king's favour for Adam de Kertadbricht, the prince's phyſician, who had brought

Edward I. K. of Eng'and.

completed the twentieth year of his age; and there was no issue from his marriage. Thus was the king of Scotland deprived of all his children; and the only legitimate descendant that remained to him, was the infant princess of Norway. To her and her heirs, on the event of his dying without any lawful heirs of his own body, he endeavoured to secure the succession of his crown, by obtaining a written obligation from the great men of his kingdom*; binding themselves and their heirs, on the event just mentioned, to acknowledge the princess of Norway as their queen; subjecting also themselves and their heirs, for the enforcement of this obligation, to the coercion and censures of the bishops of their own country.

A. D. 1281. Feb. 5th. Rym. tom. ii. p. 266, 279.

While the royal family of Scotland underwent the revolutions above recited, Lewellin prince of Wales, being reconciled to David, his brother and apparent heir, who had been long at violent strife with him, and had received protection and great favours from the king of England, the two brothers, at the head of the remains of the ancient race of Britons, made a last and desperate effort for regaining the liberty and independence of their country, and for revenging the indignities they had suffered from the English, especially since the conclusion of the last peace. But the genius and greatly superior power of Edward still prevailed against them. Lewellin emboldened by some transient successes to leave the fastnesses of Snowdon, was suddenly attacked, his forces routed, and himself slain as he fled. In the following summer, his brother David, with his wife and children, being seized by some of his own countrymen, was delivered into Edward's hands. He was soon after brought to his trial, before an assembly of English peers and barons, who condemned him to suffer an ignominious death; and the sentence was executed without mitigation. The Welsh being thus bereaved of the ancient race of their princes, ceased to make farther resistance, and were entirely subdued, after their principality had maintained itself against the Saxon and Norman race of kings for more than eight hundred years. The wisdom and industry of Edward were, during the remainder of that year, and all the following, employed in settling the conquered territories under the police and laws of England, and in endeavouring to reconcile to his government the minds of his new subjects. During this long abode he made in Wales, his queen bore to him his son Edward, at the castle of Caernarvon; to whom for the sake of pleasing the Welsh, by setting over them a prince born in their own country, he gave the title of prince of Wales.

A. D. 1282.

A. D. 1283.

A. D. 1284. April 25.

While the fecundity of Edward's queen† *did thus* repair the loss of several children who died young, the king of Scotland being still of an age that

him back from the gates of death. This man had been phyſician to Robert de Brus, and had livings in England; in the poſſeſſion whereof he was troubled by the biſhops of Norwich and Lincoln, on account of his non-reſidence.

* This obligation is given by thirteen earls and twenty-five knights and barons. The firſt in the liſt is Alexander Cumin earl of Buchan, conſtable and juſticiary of Scotland, the ſecond is Patrick earl of Dunbar, William de Soulis, claſſed among the knights, was at that time juſticiary of Laodonia. Several parts of this obligation are effaced.

† Queen Eleanor bore to Edward four ſons and eleven daughters. Three of the ſons died in Infancy or childhood, as did alſo ſeveral of the daughters. Carte, i. 304.

encouraged

encouraged the hope of his renewing his almost extinguished race, by the advice of his prelates and nobles, resolved to enter again into the matrimonial tie. The wife he now made choice of, was Jolet or Jolande, the daughter of the count of Dreux; to conduct whom into Scotland, he sent over to France, early in the year 1283, his chancellor Thomas Charteris, and three other envoys *. The beautiful bride, with a splendid retinue of persons of both sexes from her own country, arriving in safety, the marriage was celebrated at Jedburgh, on St Calixtus's day, and on that occasion, there was such splendor and variety in feasts and diversions †, as had not been before seen in Scotland. Jedburgh was, in those days, thought so beautiful a place as to be peculiarly fit for the exhibition of so much royal magnificence. But beginnings so joyful and promising, soon issued in sorrow and disappointment. For, in the spring of the following year, the good king was suddenly killed by a fall from his horse, as he was about to enter the town of Kinghorn in Fife ‡.

Alexander III. K. of Scotland. 1284. Ford. l. 10. c. 39. 40.

A. D. 1286. March 19.

About two months after the king of Scotland's death, king Edward passed over to France, at the request of Philip the Fair, who, in the preceding year, had succeeded to the throne of his father. This prince being only about seventeen years old, and left by his father engaged in an unprosperous war with the kings of Castile and Arragon, had recourse to the king of England as a mediator of peace between him and these princes; and Edward's interposition soon produced the desired effect. A treaty was also concluded between Edward and Philip, confirming those which Edward's father and himself had made with Philip's father and grandfather. After which, Edward went to visit his dominions in Guienne, where he spent about three years. Having been seized while there, with a dangerous distemper, and recovering from it, he assumed, in testimony of his gratitude, the cross for an expedition to the Holy Land: but succeeding circumstances and events, particularly those respecting Scotland, hindered him from accomplishing his vow. He also spent much time, while in France, in mediating an agreement between Alphonso king of Castile, and Charles prince of Salerno heir to the kingdom of Naples; who, being Alphonso's prisoner, did, by Edward's mediation, regain his liberty.

* Theſe were, Patrick de Graham, William de St. Clair, and John de Soulis. Fordun calls Joland *dominarum ſpecioſiſſimam.*

† Fordun ſpeaks with wonder of an exhibition accompanied with great variety of muſic; in which were military dances and a proceſſion that was cloſed by the ſemblance of a ſpectre; on the vaniſhing of which the muſic and whole action ceaſed in an inſtant. The deſcription is ſcarce intelligible. Ford. l. 10. c. 40.

‡ Being delayed in croſſing the Forth at Queen's Ferry until day-light was gone, and the night being dark, he was adviſed by his attendants to ſpend it at Inverkeithing; but rejecting their counſel, he puſhed on with all the ſpeed he could to Kinghorn; when he was near the weſt end of that town, his horſe tumbling in the ſand, he fell, and his neck being diſlocated by the fall, and no ſeaſonable help given by his attendants, he expired. Thomas ſirnamed the Rymer, a native of Erſilton in the Mers, being at that time in the caſtle of Dunbar with the earl of March, is ſaid to have fortold this event. Ford. l. 10. c. 43. Thomas is called by the hiſtorian *ille ruralis vates.* Hemingford ſays, that the king was haſtening to viſit his new queen, being at a few miles diſtant from him, in the holy time of Lent. Tom. i. p. 29.

Edward I. K. of England.

1286. April 2.

The estates of Scotland, having convened at Scone, soon after Alexander's death, to provide for the safety of their desolate country, made choice of six guardians, William Fraser bishop of St Andrews, Duncan earl of Fife, and John Comyn earl of Buchan, Robert bishop of Glasgow, Lord John Cumyn, and James Stewart of Scotland; the three first named, to have the charge of the ports to the north, and the other three of those to the south of Edinburgh Frith. These six persons were to have the administration of public affairs, while Margaret remained in Norway, or until the queen-dowager, who was thought pregnant, should be delivered of an heir to the crown. The latter hope failing, by the queen's either proving not with child, or losing it by abortion, the next heir to the crown, recognized as such by the states of the kingdom, before the late king's death, was Margaret, the infant daughter of Eric king of Norway.

If any steps were taken by the estates or guardians of Scotland, for three years succeeding king Alexander's death, to bring over their queen, they appear not from any authentic monuments*. The first trace of any measures having this tendency, appears in a commission given to certain ambassadors from Eric to the king of England, in the spring of the third year that Edward spent in France. These ambassadors had full powers to treat with Edward concerning certain affairs respecting Eric himself, his daughter the queen of Scotland, and her kingdom. Edward was the ally and good friend of Eric, as he had been of his father; and Eric chose to avail himself of the protection and aid of so great a prince, and who stood in so near a relation to his daughter, to put her in the possession of her crown, and to defend her tender age from the hazards to which the factions and dissensions that prevailed among her subjects exposed her. Ambassadors had also been sent from the regents and parliament of Scotland to Edward, while in France, to request his counsel and aid for composing the strifes and distractions that prevailed in their country †.

A. D. 1289.

Rym. tom. ii. p. 416.

Not

* It seems evident that at leaſt a powerful party of the Scottiſh nobles were againſt receiving Margaret as their queen. Eric, her father, chargeth them expreſsly with this in his petition to Edward at Berwick, in 1292; and Dugdale gives an account of a compact made in the September after king Alexander III.'s death, in 1286, between Richard de Burgh earl of Ulſter, and Thomas de Clare (*a*) brother of Gilbert earl of Glouceſter (who married Joanne de Acres the king's daughter), on the one part, and Patrick earl of Dunbar, with his three ſons Patrick, John, and Alexander; Walter Stuard earl of Monteith, Alexander and John his ſons; Robert Brus lord of Annandale, together with Robert Brus earl of Carrick, and Bernard de Brus, his ſons; James Stuard of Scotland and John his brother, Eneguſius ſon of Donewald, and Alexander his ſon (*b*) that they would thenceforth adhere to and take part with one another, upon all occaſions and againſt all perſons whatſoever; ſaving their allegiance to the king of England and their fidelity to him who ſhould gain the kingdom of Scotland, by right of blood from king Alexander, then lately deceaſed. This agreement bears date at Turnebyrie in Carrick, on the eve of St. Matthew the Apoſtle 1286, September 20. Dugd. i. 216. *In Marg. ex ipſo autographo penes Auguſtinum Styward de Lakyngheth in Cum. Suff. Ann.* 1575.

(*b*) The Scots contracting lords are thoſe of the weſt and ſouth of Scotland, neareſt the north of Ireland. Ford. l. 11. c. 2. 3.

† Fordun mentions an embaſſy of this nature ſent to Edward in France, from the guardians and the parliament at Scone, that made choice of them: in which parliament he ſays, the right of ſucceſſion to the crown of Scotland was ſharply diſputed between Robert Bruce and John Baliol. The queſtion then agitated muſt have been, which of them was neareſt heir, on the failure of male iſſue

(*a*) Robert de Brus had to wife Iſabel, one of the daughters of Gilbert of Glouceſter and Hertford, which earl died in Brittany, *ann.* 1229. This Thomas de Clare was her nephew: he died next year, 1287, 2d Sept. Dugd.

from

Interregnum in Scotland.

Not many weeks after Edward's return from France to England, the guardians of Scotland, at the request and instance of the English king, gave a commission to the bishops of St. Andrews and Glasgow, Robert Bruce lord of Annandale, and John Comyn, to treat, in the presence of Edward, with the Norwegian ambassadors, concerning certain matters proposed to Edward by these ambassadors; and empowering them to ratify what both parties should in his presence agree to; but with a salvo, conceived in the strongest terms, of the liberty and honour of the kingdom of Scotland. With these Scottish commissioners, and the Norwegian ambassadors, Edward appointed two of his bishops and as many earls to treat concerning the affairs in question. All these negotiators meeting at Salisbury, after various debates, agreed, that the queen of Scotland should, before the feast of All Saints in the following year, come into England or Scotland, free from any contract of marriage. This the Norway ambassadors engaged to procure. The king of England, for his part, engaged that, if the queen of Scotland should come thus free into his hands or custody, she should be sent, in the same state of liberty, into Scotland; provided that the tranquillity of that kingdom were established, and her subjects requested the king of England to send her; and with the farther condition, that the Scots should give security to the king of England, not to give their queen in marriage, without his advice and consent, and the assent also of her father the king of Norway. The Scottish commissioners engaged for themselves and countrymen, that the quiet of the kingdom of Scotland should be established, before the queen's arrival in it; so that she might enter it with safety, and continue in it at her pleasure. Guardians or other public officers in Scotland were to be removed, if troublesome or dangerous to the queen, or her friends of Norway; and better men of the kingdom of Scotland to be put in their place, by the advice of the States of Scotland and Norway, and also of commissioners appointed for that effect by the king of England; which commissioners, where the Scots and Norwegians could not agree, were to decide, by their opinion, the matters in dispute. And all disputes, which the Scots could not terminate among themselves, were to be referred to the English and Norwegians. Finally, the parties agreed, that, in the middle of the ensuing Lent, the estates of Scotland should be at Roxburgh and its neighbourhood; and that deputies from the king of England, nominated at the request of the Scots and Norwegians, should be, at the same time, at Wark and Carham; at which time the Scottish commissioners engaged, that every thing to which they had now consented, should be fulfilled and ratified in the presence of the English deputies.

1289. Oct. 3d. Rym. tom. ii. p. 431.

Nov. 6.

For the better carrying into effect this convention at Salisbury, Edward,

Rym. tom. ii. p. 445.

from queen Jolande; or the death, without iſſue, of the maid of Norway. The ambaſſadors, who, according to Fordun, were ſent to Edward, were the biſhop of Brechin, the abbot of Jedburgh, and Geoffry de Moubrai; and he relates that theſe ambaſſadors, having found Edward on Saintonge (*apud ſanctones*) returned with his anſwers (it is not ſaid what they were) to Scotland, and arrived on St. Catherine's day at Clackmannan, where the guardians of the kingdom were aſſembled, waiting for queen *Jolande's* bringing forth a child. But he adds, that no child being born, the king of England joyfully returned to his kingdom, &c. Fordun is here much miſtaken as to time; for Edward did not return to England till almoſt three years after the birth expected from Jolande.

Jolette (in Carte.)

immediately

Edward I. K. of England. 1289.

immediately on its being concluded, sent a letter to the estates of Scotland, beseeching and requiring them to be obedient to the guardians of their kingdom, appointed in the name of his cousin the queen; and notifying to them, that he purposed to send soon into Scotland some of the members of his council, who, in conjunction with the guardians, might inform him concerning the state of that kingdom, to which he always wished peace and tranquillity. Edward also delivered to the envoys of Scotland and Norway, a written concession or obligation, promising, if the queen of Scotland came into his kingdom free from any matrimonial contract, to send her into Scotland in the manner and on the conditions fixed by the convention at Salisbury: only the consent to her marriage, which that convention makes necessary to be given by the king himself, is, in this deed, extended to the king's heirs, in case of his decease; and to the guardians of his kingdom, if he should be absent in foreign parts.

Rym tom. ii. p. 448.

Nov. 16. Ibid. 450.

Very soon after the convention at Salisbury, Edward obtained from Pope Nicholas IV. a dispensation for the marriage of his son prince Edward with the queen of Scotland, who was related to that prince in the third degree of consanguinity; and probably with a view to facilitate the obtaining of this dispensation, Edward paid six years of arrear of the annual tribute due for his kingdom to the Roman see *. A numerous meeting of the community of Scotland, which, in pursuance of the last article of the convention at Salisbury, assembled at Brigham, a village on the north side of the Tweed, over-against Wark, and a few miles below Roxburgh, being informed of the papal dispensation for a marriage of their queen with the prince of England, concurred in a letter † to the English king, declaring their approbation of the intended match, upon condition of Edward's giving them security for certain matters relating to the state of their country; for transacting which they were to impower and commission delegates to wait on him, at his parliament to be held next Easter at London. At the same time, this assembly wrote a letter to the king of Norway, informing him of their having given their consent to the proposed marriage; and requesting him to send over his daughter as speedily as possible to England; at the latest, before the feast of All Saints, agreeably to the convention at Salisbury ‡.

A. D. 1290. March 17th

April 10th. Rym. tom. ii. p. 474.

To negotiate the marriage and all circumstances relating to it with the king of Norway, Edward gave full powers to Anthony Bec bishop of Durham. He also wrote to Eric, requesting him to make no delay in sending his daughter over to England; as the way to a matrimonial union fraught with so great benefits to each nation was happily paved by the papal dispensation and the unanimous consent of the nobles, prelates, and whole community of Scotland.

* This was the laſt payment of the kind that Edward made. Carte. ii. 210.

† There join in this letter twelve biſhops, all that then were, except Whithern, twelve earls, twenty three abbots, eleven priors, and fifty barons. Included in this number are the four regents, viz the biſhops of St. Andrews and Glaſgow, John Comyn, and James Steward of Scotland. This letter, as well as that to the king of Norway, is in French. They write, *En nom de nous et de toute la commune.*

‡ They tell Eric, that if he did not comply with their requeſt, they would find it requiſite to take the beſt counſel that God ſhould give them for the ſtate of the kingdom and good people of the land.

Soon

Soon after Edward gave an obligation, which the bishop of Durham, together with the earls of Cornwall and Warrene had engaged to obtain from him, to the envoys from the estates of Scotland, who came to the king at his parliament after Easter; declaring that, in case the queen of Scotland came not into England or Scotland before the feast of All Saints next ensuing; or if the king of Norway gave not sufficient security, by his oath and letters patent and those of some of his principal barons and prelates, to send his daughter into England or Scotland before the aforesaid term, unless hindered by some lawful impediment, the king of England should, at Martinmas next, cause to be paid to the guardians of Scotland *, at Berwick, the sum of 3000 merks.

Interregnum in Scotland.

1290. May 15. Rym. tom. ii. p. 479.

The delegates from the assembly of the Scottish estates, held at Brigham in March, had not been furnished with sufficient powers; or at least Edward alleged some defect in them, as an excuse for not giving an explicit answer to some articles proposed by those delegates. But as it was necessary to satisfy the Scots with regard to the securities they demanded, Edward gave full powers to the bishop of Durham and five others †, to make sufficient answers in his name to every thing that the delegates had laid before him at London. Accordingly, all these commissioners attended an assembly of the Scottish estates, which met at Brigham, about the middle of July, and solemnly assented, in their master's name, to every important requisition made by the Scots, for securing, on all events, the independency of Scotland, and its dignity and rights as a distinct kingdom, in matters civil and ecclesiastical, and for obviating the inconveniencies, delays of justice, and oppressions, that might arise from their sovereign having his ordinary residence in a different kingdom. In particular, it was granted, that the chapters of *churches* ‡, where elections were free, should not be obliged to go out of the realm to ask licence of electing or presenting; nor tenants in *capite*, for paying their homage, fealty, or reliefs; nor widows, for their dower; with an exception of such homage as was necessary to be rendered in the king's presence. For all these purposes some person was to be deputed to represent the queen and prince. Nor was any one to be obliged to answer, without the limits of the kingdom of Scotland, for any contract entered into, or offences committed in that kingdom, or in any other case whatever. In the following articles mention is made of the marches between the kingdoms. The rights, laws, liberties, and customs of the kingdom of Scotland, were to be, in all time coming, inviolably observed through the whole kingdom and its marches; with a salvo of the right that the king of England, or any other person, might have to any thing on the marches, or elsewhere, before the time of the present concession, or that they might afterwards justly acquire. The same salvo was added to a following article; wherein it was promised, that the kingdom of Scotland should remain sepa-

June 20. Rym. tom. ii. p. 480. Ibid. 482, 483. 484.

* *To be paid*; the original is *refundi et restitui*; and the persons who were to receive it, in name of the guardians, were the envoys to whom this obligation was given.

† These were, Ralph bishop of Carlisle, the earls of Warrene and Lincoln, William Vesey (of Alnwick) knight, and Mr Henry Newark dean of York.

‡ Cathedral, collegiate or conventual.

rated,

Edward I. K. of England. 1290.

rated and divided, and free in itself from all subjection to the kingdom of England, according to its right marches, as in times past. But it being proposed by the Scots, that castles and fortresses should not be fortified anew on the marches, the English commissioners declared, that on this head they were not advised; and could not impose such a restraint on their king and his subjects, as to hinder their erecting places of strength, in the same manner as had been done by their ancestors, and thereby to render them less free in that respect than their neighbours in Scotland. By another article it was granted, that no Scottish parliament should be held without the kingdom, or its marches, for treating of the affairs of the kingdom, its marches, or inhabitants.

To the articles contained in this grant, and in the other instruments relating to the marriage, the guardians and community of Scotland declared their full consent; on condition that they should be ratified by the king of England before the feast of the Virgin's Nativity; otherwise they were to be void: but Edward ratified them within the time limited.

At Northampton. 28 Auguſt.

July 31. Rym. tom. ii. p. 486.

The guardians and estates of Scotland, at a meeting held at Kelso, a fortnight after that at Brigham, appointed three plenipotentiaries * to treat with Edward concerning the affairs of their queen and kingdom; still inserting in their commission a salvo, expressed in the strongest terms, of the rights and liberties of the realm. Edward gave these commissioners a meeting at Northampton, and endeavoured to persuade them, and some in their company who had the keeping of certain Scottish castles †, to deliver these fortresses into such hands as he should appoint. But with this request they would not comply; and Edward agreed that this delivery should be delayed until the arrival of the Scottish queen; upon which arrival, the plenipotientaries and keepers abovesaid engaged to deliver the castles they possessed to the queen and her husband.

28 Aug. Ibid. 488.

Ibid. 487.

At this same meeting Edward gave powers to Anthony bishop of Durham, John bishop of Glasgow, John earl of Warene, John Comyn, and Henry Newark dean of York, to settle with the king of Norway every thing that related to the marriage; and a proxy was given to each of the three Englishmen in this commission, to contract, in the name of prince Edward, marriage with the young queen. Edward also, in fulfilment, as he alleged, of the oath by which he ratified the concessions made in his name at Brigham, and which obliged him to observe the laws and customs of the kingdom of Scotland, appointed a lord-lieutenant of that kingdom, in name of the young queen and her destined husband. The person on whom he conferred this dignity, was the bishop of Durham; and his charge was to administer justice and rectify disorders, in concert with the guardians, prelates, and great men of the kingdom.

Ibid. 489.

By these transactions a most promising foundation was laid for bringing the whole island under subjection to one sovereign. Edward and his descendants would thus have fairly and easily obtained an increase of dominion more worthy

* Theſe were, the biſhops of Glaſgow, Caithneſs, and John Comyn.

† Theſe were, William de Sinclair, Patrick de Graham, and John de Soules. It is not ſaid of what caſtles they were the keepers.

of

of their ambition than any other. The inward peace of the island would have been secured; and those cruel and ever returning wars prevented, to which the places on the borders of the two kingdoms owe their chief fame. But the time prefixed by Heaven for the attainment of these blessings was yet at a great distance. The death of the young queen, in one of the Orkney Islands, as she was on her voyage towards her own kingdom, defeated the intended marriage: and Edward unable to check his ambition, and relinquish his darling project of extending his dominion over the whole island, engaged in methods of effecting it, which changed the peace that had long subsisted between the nations, into such bitter dissensions and cruel wars as had not been formerly known; and from which such alienation and animosity arose, as could not be extinguished in the course of many succeeding generations.

Interregnum in Scotland. 1290.

The Scottish plenipotentiaries who had been with king Edward at Northampton, returning to their own country, made report to a convention * at Perth, of the answer given by the king of England to their demands. The bishop of Durham and earl of Warrene did also go into Scotland, and being informed that ambassadors from Norway, with their charge the Scottish queen, had arrived in Orkney, which was then subject to the kingdom of Norway, they purposed to go thither, in order to conclude with these ambassadors every thing necessary to the queen's reception and marriage. But just about this time a report was spread of her death; upon which Robert Brus, who had not intended to go to the convention at Perth, did, *on the request of some* †, immediately repair thither, with a powerful retinue. *Several of the nobles shewed their inclination to support him, and two of them sent for their forces* ‡. These measures gave strong apprehensions of a civil war, on the event of the queen's death. William Fraser, bishop of St. Andrews, sent intelligence of them to the king of England, before the death of the queen was certainly known; and intreated that monarch, if the queen should die, to draw nigh to the march between the kingdoms, for the consolation of the people of Scotland, and to prevent the effusion of blood; so that the chief men of the kingdom might preserve their *oath* § inviolate, and give the kingdom to him

Rym. tom. ii. p. 1090.

* This convention, according to a letter from the bishop of St. Andrews to the king of England, dated at Locris (Leuchars), consisted of some nobles of the kingdom of Scotland, and met at Perth on the Sunday after Michaelmas. The bishop adds, that on their hearing and understanding Edward's answer, *the faithful nobles*, and some *part of the community of the kingdom* returned him immense thanks. It is evident from this, that *all*, and particularly, *Robert Brus* and his adherents, were not content with what had been transacted with the king of England.

† *Ad interpellationem quorundam.*

‡ *Set comites tamen de Mar et Atholiæ jam eorum exercitum demandarunt: et quidam alii Magnates terræ trahunt se ad partem suam.* The earls of Mar and Athol are in the list of auditors chosen by Robert Brus, Rym. ii. 553. and therefore may be concluded to be of his party. Dugdale's Baronage, vol. i. p. 216.

§ Of this oath there is an account in the petition of Robert Brus, presented at Berwick. August 3, 1291; in which he says that all the good men *(omnes probi homines)* were sworn to the nearest of blood to the deceased king Alexander, who had a right of inheritance to the crown *(qui de jure hæreditare debebit)*, on the event of Margaret of Norway dying without issue. The bishop of St. Andrews advises the king of England, in this letter, if John Baliol should come to his presence, so to treat with him, that, on every event, his (Edward's) honour and advantage might be secured. This letter of Fraser seems to contain a more authentic and particular account of the state of affairs in Scotland at that time, than any other coæval authority.

Edward I. K. of England. 1290.

whose right it was to inherit the crown, and who would, at the same time, enter into the views of the English monarch *.

It is probable, that many of the Scottish prelates and nobles were equally inclined with the bishop of St. Andrews, to court the favour of the English monarch, and to have recourse to him for quelling those civil commotions which threatened the utter ruin of their country; and which no power or authority within it was sufficient to compose. The power of so great and flourishing a monarch appeared fully adequate to this purpose. Nor was the fame of his wisdom and equity inferior to that of his power; and though in the course of the transactions above recited, he had not been able to conceal his ambitious views with regard to Scotland, he had hitherto so far moderated them, as still to preserve the confidence of many. It doth not, however, appear from any authentic record, that the guardians or states of Scotland, or the competitors for the crown, did formally request him to act as a judge, or arbiter, in the matter of the disputed succession †. But his correspondence and interest with many of the chief men of the kingdom (which he had, no doubt, greatly increased during the course of the late negociations about the marriage), gave him sufficient encouragement to undertake this work, and to avail himself of it, for establishing his own favourite claim of sovereignty, and direct dominion over Scotland.

Although the secret management of Edward multiplied the number of pretenders to the succession, to no fewer than twelve, yet it was evident, that the claims of Baliol and Brus were those which alone merited any attention. Nor could the preference due to Baliol have been called in question, had the right of representation in heirs *collateral*, equally with *direct*, been at that time firmly and universally established. For the heirs descending from the body of the late king Alexander III. being all extinct, Baliol and Brus claimed the vacant throne, as descending from David earl of Huntingdon, Alexander's grand uncle, and brother to Malcolm IV. and William the Lion, kings of Scotland. The children of earl David, who had issue, were three daughters, Margaret, Isabel, and Ada. Of these, Margaret, the eldest, was married to Alan lord of Galloway, by whom she had a daughter, named Derveguld, who, by the death of some brothers and an elder sister, became heir to the rights of her mother; and, being married to John Baliol, bore a son of the same name, who was heir to his mother, and as such did now stand competitor for the crown. Isabel, the second daughter of David earl of Huntingdon, was mar-

Dalrymple's Hiſtory of Feudal Property. Rym. ib. 578, 579, 580.

* *Dum tamen ille veſtro concilio voluerit adhærere.*

† In Edward's letter to the Pope, after the Lincoln parliament in 1301, he affirms, That different perſons, contending about the hereditary ſucceſſion to the crown of Scotland, came to him, requeſting him to do them juſtice with regard to the right they claimed; to which the Scottiſh council, and Biſſet their agent, anſwer, That the king of England *aſſumed* the lamb-like appearance *(ſub agnino vellere)* of a reconciler, among the contending Scots, and was not invited, whatever he affirmed to the contrary; having cunningly allured to his intereſt *a part of the nobles of Scotland, who then adhered to the party who had no title to the kingdom of Scotland;* and ſo the reſt, not being able to reſiſt him, he then uſurped the cuſtody (guardianſhip) of the kingdom, &c. Ford. l. 11. c. 53, 54, 58. The party ſpoken of here, as gained by Edward, certainly means Brus's party; for the regency of Scotland, at that time (and Biſſet, their procurator), acknowledged Baliol as their lawful king.

Ford. l. 11. c. 42.

ried

ried to Robert Brus; whose son and heir was Robert Brus, Lord of Annandale, the other principal competitor. Brus being thus the grandson of the earl of Huntingdon, while Baliol was only his great grandson, claimed the crown as being nearest in blood to the deceased king Alexander, and his grand-daughter Margaret. He also affirmed that king Alexander II. when despairing of an heir of his own body held him (Robert) for his heir, and declared him such to the states of his kingdom, to which they gave their assent; and that this could be attested by several of them, who were still alive. He pretended also, that the last king Alexander had declared to several of his confidents, that he looked on him as his lawful heir, on failure of issue from his own body; and that all the principal men of the kingdom were sworn to the *nearest in blood* to the late king Alexander, as being rightful heir to the crown, in case of Margaret of Norway's dying without issue.

Interregnum in Scotland. 1290.

The death of Edward's beloved queen Eleanor, at Grantham, in the end of November, stopt his progress northwards; and occasioned a delay of his visit to the marches, until the following Spring. Having arrived at Darlington about the middle of April, he thence issued summons to fifty-seven of his military tenants *, who were chiefly those of the northern counties, to accompany him with horses, arms, and all the service they owed him, at Norham for six weeks, reckoning from Easter. And the sheriffs of the five northern counties received orders, to advertise all within their districts, who owed the king military service, to give the same attendance.

Trivet. Walsingham. Nov. 28. A. D. 1291. April 16th. Rym. ib. 525.

On the 10th of May, being the fifteenth day after Easter, the king was at Norham; where he held in the parish church an assembly, consisting of several prelates and nobles of his own kingdom, and also of sundry of the prelates, nobles, and community of Scotland †, whom he had by his letters required to attend him at that place. He now declared by his justiciary, Roger le Brabazon, that the purpose of his coming was, in quality of superior and direct lord of Scotland, to maintain the tranquillity of that kingdom, and to do impartial justice to those who laid claim to the crown; but that, the better to accomplish these ends, he required *ex abundanti* of the Scots, who were present, their assent to, and recognition of his sovereignty, intending to make use of their advice in determining and executing what was right. The Scots immediately on hearing this proposal, begged a respite, that they might advise with their countrymen, especially the members of the estates of the kingdom who were absent; and also for themselves to deliberate and prepare an answer to Edward's requisition. Upon which, although it was affirmed, that sufficient intimation had been given them before-hand, concerning what was now demanded, a delay was granted them until the day following.

On that day, the same persons being assembled as on the preceding, and the Scottish prelates and nobles still earnestly supplicating for a delay, the bishop of Durham now addressing them in name of his master, informed them, that

Prynne, vol. iii. p. 489.

* Among these, are John de Baliol, and Robert de Brus, also William de Vesey, Hugh de Lavall, the lady de Ros, Margaret de Ros, William Heyrun.

† The Scots, according to Fordun, l. 11. c. 10. first, convened at Upsetlington; and then, on Edward's request, and sending them a safe conduct, crossed the march to Norham.

Edward I. K. of England. 1291.

the king, in condescension to their request, had, by advice of his council, allowed them a respite of three weeks, from the 10th of May, in order to their giving a precise and peremptory answer to his requistion; and that, if they were possessed of any documents sufficient to invalidate the grounds of his claim, they might produce them; assuring them, that such evidences of the independency of their kingdom should be treated with all due regard.

The evidences produced by Edward, on this occasion, of the sovereignty, or direct dominion of the kings of England over Scotland, consist of passages from various ancient writings, processes, and chronicles, preserved in the English and Scottish monasteries *; many of which have been mentioned in their proper places in the preceding part of this history. Most of these passages recite instances of the subjection and homage paid by several kings of Scotland to English monarchs; but the accounts given of these instances are either so indefinite, or accompanied with circumstances so fabulous or improbable, as not to deserve the name of historical evidence. They are introduced by Geoffry of Monmouth's fable of king Brute, and his three sons; and in the conclusion is inserted an absurd monkish tale, from the legend of St. John of Beverley, about Athelstane's conquest of Scotland. The record of the homage paid at York in 1175. by William the Lion, and his prelates and nobles, to Henry II. is inserted at length: being, when *considered in itself*, a clear and satisfactory evidence in support of Edward's claim; but no notice is taken of the relaxation from this subjection, granted to William by Richard I.; and in the account of the homage which William paid to Richard of Canterbury in December 1189, it is not mentioned that this homage was *only* done for his dignities in England, as possessed by his brother Malcolm. In a word, this writing of Edward, on being compared with authentic records and historians, appears to be defective and unfair; and if, as the narrative drawn up under Edward's direction bears, the Scots advanced nothing to disprove his allegations †, it argued either the prevalence of servile fear and interested views, or an ignoranee, almost incredible of what the chronicles and archives of both nations contained.

Hoved. p. 662.

It gives also an unfavourable idea of Edward's title to the sovereignty he claimed, that he appears to have seized with avidity the opportunity of obtaining an acknowledgment of it from the great men of Scotland, at a time when they wanted a sovereign, and were in a most defenceless state, by the factions that prevailed among themselves. It is also apparent, that, in order to procure this acknowledgment, he employed all his art, and made a formidable display of his power. His art particularly appeared in bringing so great

* This detail of evidences is, in the record published by Prynne, inserted immediately after the second meeting of Norham: In Rymer's copy it is placed after the last meeting, on the 13th of June. The fable of Brute, and his three sons, is left out in the latter. From the speech of the English chancellor to the meeting on Holywell haugh, June 2, as given in Prynne's copy, it appears, that this account of the evidences of Edward's title to the superiority over Scotland, had been laid before the Scots when with the king at Norham in May.

† Fordun mentions Robert Wischard bishop of Glasgow, as asserting, in the presence of Edward, the ancient liberty and independency of Scotland; but, instead of any solid evidence of this, he puts in his mouth some legendary verses, from a prophesy of Gildas.

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a number of candidates on the field, and in his giving hopes of obtaining the disputed crown, to all or most part of those competitors; who, without so powerful an encourager, could never have entertained any such expectation, or insisted so long in the prosecution of it. The more remote claimants, for the sake of attaining so great an object, would not scruple to gratify Edward, by recognising him as the sovereign of themselves and country. Such a recognition, made by men of high rank and interest, who had also royal blood in their veins, and were most nearly concerned to maintain the dignity of the ancient royal race, paved the way for others, who were not thus connected with it, to make the same acknowledgment. This multiplication of candidates was the readiest way to make them all submissive to Edward, as their common lord and judge; and even to bring those to his terms, who had the best right in themselves. Thus we shall find, that John Baliol, on a very improbable pretence of ignorance, absented himself from the first assembly, in which Edward's sovereignty was acknowledged by his fellow-candidates; but as soon as he knew that this recognition was made by Brus, and all the rest of them, he immediately resolved to follow their example; justly apprehending, that if he refused to do it, those whose pretensions were the weakest, would have a better chance to succeed to the crown than himself. The obtaining this recognition from all who were related to the late royal race, served also to prevent, or weaken, the credit of pretenders, who might arise to the crown, in case of discontent with Edward's decision; which, in a nation so turbulent and divided, there was the greatest reason to apprehend.

Interregum in Scotland. 1291.

In what manner the candidates and Scottish nobles were employed, during the interval of twenty days between their leaving Norham and returning again to it, doth not distinctly appear. It seems certain, that their own jealousies and discords, joined to the king of England's influence, hindered any general concert for maintaining the rights of their country. If any wished to assert these rights, they were intimidated by Edward's great power, and the numerous forces with which he was ready to enter Scotland. And, according to some of the English annalists, he had publicly sworn by St Edward, whose crown he inherited, that he would rather lose his life than abandon the prosecution of his right. In these circumstances, none of the competitors could entertain the least reasonable hope of success to himself, without gratifying Edward in what he sought with such superior power and determined resolution. And a crown, though dependent, was, to each of them, a temptation too great to resist. Such of the competitors, therefore, as had gone into Scotland, together with many of the prelates and nobles of that kingdom, returned to Norham on the day prefixed. And Edward, in some degree to remove their fears and scruples, gave them a safe-conduct, to continue until the feast of Pentecost; and also a concession, that their present coming to Norham should not prejudice them or others of their countrymen, by obliging them to cross the Tweed on the like occasions.

Hemingf. i. 83. Walf. Triv. Ann.

May 31. Rym. tom. ii. p. 528.

On the second of June, the day of meeting, eight * of the competitors, with several

* Thefe eight were, Robert de Brus, Florence earl of Holland, John Haftings, Patrick Dunbar earl of March, William de Ros, Walter de Huntercumbe, procurator, or attorney of William de Vefey

Edward I. K. of England. 1291.

several of the prelates, nobles, and community of Scotland, appeared, and being assembled on a green* plain, opposite to Norham castle, on the Scottish side of the Tweed, they were required, in name of the king of England, by the bishop of Bath and Wells his chancellor, to give a precise and peremptory answer with regard to his claim of sovereignty over their country; and, if they were possessed of any documents sufficient to overthrow this claim, to exhibit them without delay. No such documents being offered, the chancellor next required, that each of the competitors there present should solemnly recognise the sovereignty of Edward over Scotland, and make an absolute submission of their pretended right to the Scottish crown to his decision. Such recognisance and submission were accordingly first made by Robert Brus, and after him, by all the other competitors. Then Thomas Randolph, a knight of John Baliol, excused the absence of his lord from this assembly, pretending he was ignorant of the day appointed for it, and requested that Baliol might be admitted on the day following, in his own person, to pursue his claim, which Randolph affirmed to be preferable to the claims of the other competitors †. Baliol did accordingly appear on the morrow, and made in the same place the same recognition and submission which the others had done the day before.

June 3d. Tuesday.

Afterwards, on the same day, the competitors and whole company came into the presence of the king, in the parish church of Norham. To these Edward, first by his chancellor, and afterwards in a speech delivered by himself, recapitulated the steps already taken; and declared his purpose to proceed with the strictest equity, in his exercise of that right which all the claimants had now recognised; but protested, that his acting at present as their sovereign lord in the trial of their pretensions, should not prejudge his own hereditary right of property in that kingdom, when he thought fit to prosecute it. Immediately after the king had concluded his speech, John Baliol, perhaps to atone for his tardiness on the preceding day, declared again, in presence of the king and whole assembly, his recognition of Edward's superiority, and his willingness to receive justice from him in his pretensions.

John Comyn lord of Badenoch, who was married to Baliol's sister ‡, pro-

Vesey for William himself, Robert de Pynkenny, and Nicholas de Soules. William de Vesey, lord of Alnwick, was a person in great favour with the king, and was at that time justice of Ireland, and residing in that kingdom.

* The place where the assembly met was Holywell-haugh, and it is described in the record as a green plain in the open air, near the river Tweed, opposite to Norham castle, within the parish of a town called Upsetlington, belonging to the diocese of St Andrews in Scotland. The ancient parish of Upsetlington included the present Ladykirk, in the grounds belonging to which pleasant village the place described is situated. The church of Ladykirk, was founded, as appears from a Latin inscription in Gothic characters over its east-door, by James IV. of Scotland in 1500. The two parishes of Upsetlington and Horndean were afterwards united to make a parish for this church. Until the erection of the bishopric of Edinburgh by Charles I. both Lothian and Mers were in the diocese of St. Andrews.

† *Dicebat dominum suum pinguius jus habere.*

‡ John Baliol king of Scots had three sisters; the eldest was Margaret lady of Gellesland; the second was lady Consy; and the third was married to him that Robert Brus killed at Dumfries, Lel. Coll. i. 540. from Sc. Chr.

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bably with the view of strengthening Baliol's interest, did now also present himself as a competitor, and was admitted on the same terms with the rest.

Interregnum in Scotland.

1291.

In the next place, all the competitors except Pynkenny *, put their seals to a written instrument, in the French language, attesting the same recognisance and submission which they had before made in words, and declaring that all they had done was with perfect freedom. The king then entering into a consultation with the great men of Scotland, and candidates for the crown, about the best manner of proceeding in the discussion of the point in question, it was unanimously agreed, that Baliol and Comyn for themselves, and those of the competitors *who should concur with them*, should chuse forty discreet and faithful men; that forty others should be chosen by Robert Brus, and those concurring with him; and that the king of England should chuse twenty-four, with a power reserved to him † either to augment or lessen this number at his pleasure; that all the persons thus elected, meeting at a time and place to be appointed by the king, should take cognisance of the claims of the competitors, agreeably to reason and justice; and make their report to the king, for his final determination. On the day following, the king obtained from the competitors, a grant in writing of the possession (seisin) of the whole land and castles of Scotland; that it might be in his power to deliver these to the person to whom he should adjudge the crown, being obliged by an article in this grant, to give sufficient security that he would redeliver every thing in the condition wherein he received it, within two months after the right to the crown was determined, and that he would order proper care to be taken of the public revenues, for the behoof of the kingdom and future king.

Rym. ib. 529, 555.

Rym. vol. i. p. 529. June 4.

When the manner of nominating the auditors or delegates in this great cause was settled, as is above related, it was at the same time agreed, that on the third day after, written lists of the delegates should be delivered to the king by the parties, and that the king should also then make known his nomination of twenty-four. Accordingly, on that day, the lists of auditors nominated by Baliol and Brus ‡, were delivered by the bishops of St Andrews and Glasgow, to John of Berwick, dean of Winbourn, the king's clerk, who was

June 5.

* The order of their names in this instrument, which is in French, is as follows: Florence earl of Holland, Robert Brus lord of Annandale, John Baliol lord of Galloway, John Hastings lord of Bergevenny, John Comyn lord of Badenoch, Patrick de Dunbar, John de Vesey for his father, Nicholas de Soules, and William de Ros. No reason is given for Pynkenny not joining in this instrument.

† This reserved power is a circumstance not mentioned by Carte.

‡ If from the lists of auditors given in by Baliol and Brus, we may judge who were the friends of each, it appears, that Baliol had far the greatest interest among the churchmen, which might perhaps be owing to the influence of the bishop of Durham, who appears to have been Edward's principal agent in his Scottish affairs, and according to Fordun, gave counsel to Edward against Robert Brus. In Baliol's list are six bishops, in Brus's only two. In the former are seven abbots, a prior, and an archdeacon; among these the abbots of Kelso and Holyrood-house; in the latter, only two abbots, those of Melrose and Jedburgh. The greatest lay-interest is in the list of Brus; five earls, among these Patrick earl of March, also the steward of Scotland; on Baliol's side, four earls. Brus has in his list some other clergymen of inferior note, Henry dean of Aberdeen, Brother Reginald de Rehalle monk of Melros, also six others, with the title of *Magister* prefixed to their names, who were probably clergymen; as *Magister* was a title then of much the same meaning as Doctor now, denoting some degree of eminency in learning. No *Magistri* in Baliol's list.

Ford. l. 11. c. 11.

Cowell's Law Dict.

authorised

Edward I. K. of England.

1291. June 6. Friday.

authorised to receive them, and the king's list of twenty-four was also exhibited. On the day following, the king having commanded the candidates to treat among themselves about the place and time of the delegates assembling, they agreed that Berwick on Tweed should be the place; but not agreeing about the time, the king, with the consent of the parliament, appointed it to be the 2d day of August.

A delay arose in delivering into Edward's hands the Scottish castles, from a scruple of Gilbert Unframville earl of Angus, who had in his keeping the castles of Dundee and Forfar. Unframville refused to deliver these to Edward, because he had not received them from the king of England, but from the estates of Scotland. In order to satisfy him, the king of England, as one

June 10. of the claimants, concurred with the rest of them, in a written obligation *, to indemnify Unframville and his heirs for making the surrender demanded; upon which Unframville, with consent of the guardians of the realm of Scotland, delivered to the king of England and the rest of the competitors, the castles, as being the right and heritage of some of them; which was agreeable to the oath he had taken to the nearest in blood to the royal lineage. This difficulty being got over, and Edward put in full possession of the

June 11. Prynne. Scottish kingdom and fortresses; at a meeting held on the following day in the castle of Norham, he redelivered, as Sovereign of Scotland, the custody of the kingdom to the four guardians, who, by Edward's command, made choice of Alan bishop of Caithness to be chancellor of the kingdom, and with him the king immediately associated in that office, Walter Agmondesham, a clerk of his own †.

June 12. Rym. ib. 532. Edward, still affecting to temper the rigour of his demands with appearances of equity and condescension, gave a concession in writing, that right, should be done to the competitors for the crown of Scotland, within that

Rym. ib. 601. kingdom, and not elsewhere. On the same day, he gave a writing ‡, obliging himself to deliver the seisin of the kingdom of Scotland to that person to whom it should be adjudged in his court and presence; in which writing there was an article, declaring that, on the death of any king of Scotland who left an undisputed heir, Edward or his heirs should not demand ward, marriage, or possession of the kingdom, but only the homage and sovereign dominion, and what thereto belonged; but when there was a dispute about the right to the crown, then the king of England should have possession of the kingdom, and castles, and the cognisance of the title to the crown, as at present. On this day also a meeting was held on Holywell-haugh, in which the great seal of Scotland, which had been on that day brought to Edward at Upsetlington, was delivered to the bishop of Caithness and Walter Agmondesham; who took oaths of fidelity as to the discharge of the duties of their office, and to Edward, as superior lord of Scotland.

* This obligation is not inserted in the record.

† This association of Agmondesham Carte omits.

‡ This writing is not in Edward's record. It contained some other articles, which the king affirms he had completely fulfilled; and when the important article in the text was presented to him at Newcastle, Jan. 4. 1292, he acknowledged *that it was such (qe il fut tiel)*. Carte speaks of this obligation as being given at Newcastle, vol. ii. p. 231.

On

On the same day, in a meeting held in the presence of the king at Norham, the proceedings of the following day were appointed; on which were assembled before the king on Holywell-haugh, the great men who had appeared at former assemblies, together with a great multitude of the people of both nations. There the king associated to the four Scottish guardians, Bryan Fitz-Alan an English nobleman; and then all the five swore to be faithful to their trust, and obedient to Edward as their superior lord. After which, the four Scottish guardians, with twenty-eight besides of the great men of Scotland *, swore fealty to Edward as superior and direct lord of Scotland. Hereupon the peace of Edward was proclaimed on the spot; and orders were given to proclaim and observe it throughout the kingdom. Agreeably also to what had been before resolved, the second of August was assigned as the day of meeting at Berwick for farther proceeding in this affair.

Interregnum in Scotland. 1291, June 13. Rym. ib. 558.

In the interval, Edward still diligently pursued his great object. He received at Berwick, as superior lord of Scotland, oaths of fealty from several Scotchmen who came to him thither †. He received the like oaths from Philip de Rydale mayor of Berwick, and the burgesses and inhabitants of that town, of which eighty-three are named. In the beginning of July, he set out in a progress into Scotland; in which, by the way of Edinburgh and Stirling, he proceeded as far as Perth ‡. He received the fealty of the burgesses and whole community of the last named town; as he also did from several persons of note, secular and ecclesiastical, at different places, in going and returning. The guardians of the kingdom, and others in different quarters of the realm, were appointed to receive the fealties of those who had not come in person to the king, and the refractory were ordered to be compelled.

June 28, 30. Rymer, ib. 573.

The great assembly appointed to meet at Berwick, on the second day of August having been adjourned to the day following, the king on that day, in presence of several prelates and nobles of both nations assembled in the chapel of the castle, protested §, that the favour he had granted to the competitors for the crown of Scotland and the community of that kingdom, to do justice in the present question *within Scotland*, should not be to the prejudice of himself or his heirs, so as to hinder them from doing what belonged to them as sovereigns of Scotland, on the like or other emergencies, within the kingdom of England. Then the bishops, prelates, earls, barons, knights, and many of the people, both clerks and laicks of both nations, being convened in the presence of the king in the castle of Berwick, the hundred and four delegates

Rym. vol. i. p. 574.

* Of this number there were only one bishop, viz. of Sodor, or the Isles; there were eight earls, those of Carrick; March, Mar, Buchan, Athol, Angus, Lennox, Monteith. Robert Brus and John Baliol are first in the list, and put immediately before the earls; John Comyn lord of Badenoch and James Stuard of Scotland immediately after them. When the bishop swears, it is said to be, *præsentibus evangeliis*. When the layman swear, it is said to be *tactis sanctis Dei evangeliis*. Rym. vol. i. p. 558.

† Among these were, Henry prior of Coldingham, John de Vans, Peter de Mornigeon (probably Mordington,) Alexander de Bonekyl, Agnes de Bernham prioress of Berwick. Seventy of them are named.

‡ No mention of this progress by Carte:

§ In Rymer's copy, the date of this protestation is the 3d of July, but in Prynne's, with much more probability, it is the 3d of August.

Edward J. K. of Scotland, 1291.

nominated at Norham, were commanded by the king, to assemble in the deserted church of the Dominicans adjacent to the castle. There they immediately began to receive the petitions and grounds of claim, which the several competitors presented to them in writing. These petitions were twelve in number, whereof the two last in the record are those of Brus and Baliol; an account of whose pretensions agreeably to what the petition of each contains, hath been already given. John Hastings, one of the twelve claimants, was the descendant and heir of David earl of Huntingdon's youngest daughter, and as such, had the kingdom been a divisible inheritance, he would along with Brus and Baliol have been entitled to the third share of it. But the claims of all the rest * were evidently frivolous, as their predecessors, though of the royal blood, were either illegitimate, or if legitimate, were more remote from the lately extinguished royal line than those of Bruce, Baliol, and Hastings. The petitions and reasons by which they were supported, having been heard by the delegates, and reported by them, in presence of the competitors, to the king, that monarch, with the consent of the competitors, adjourned the farther hearing and decision of this great affair, until the second day of June in the following year, when his next parliament was to be held in the same place. This delay is ascribed to Edward's desire of attending in person, the funeral of his mother, and of composing a strife which had proceeded to a great height betwixt two of his great earls, Glocester and Hereford; but it likewise evidently served the purpose of acquainting himself with all matters relating to Scotland, and of habituating the competitors and whole kingdom to that dependence on himself, which he was so desirous of establishing.

Carte, ii. 221. 222.

Edward with the same attendance as before from both kingdoms, was again at Berwick on the appointed day in the following year; when Eric king of Norway appeared by his ambassadors a new competitor † for the

A. D. 1292. June 2.

* The other nine, in the order in which they appear in the record, are Florence earl of Holland, Patrick earl of March, William de Vesey, William de Ros, Robert de Pynkenny, Nicholas de Soules, Patrick Galithly, Roger de Mendeville, and John Comyn lord of Badenock, Patrick Galithly is the name of the last in the list of the burgesses of Perth who swore fealty to the king. See above, p. 177. Carte says, it is not easy to guess with what view some of these claims were made, unless to perpetuate the claimant's relation to the royal family, or in hopes of obtaining some grant for giving up his pretensions.

Patrick earl of Dunbar, William de Vesey, William de Ros, and Roger de Mandeville, claimed as the descendants and heirs respectively, of Ada, Margery, Isabel (*a*) and Aufrick, bastard daughters of William the Lion. Patrick Galithly, as the heir of Henry Galithly, a natural son of the same William. (So the record plainly. Carte makes Henry Galithly a son of Alexander II.) Nicholas de Soules, as the heir of Margery, a bastard daughter of Alexander II. Florence count of Holland and Robert de Pynkenny, founded their pretensions on descending from Ada and Margery, daughters of king David's eldest son prince Henry, and sisters to the kings Malcolm and William, and to David earl of Huntingdon. Finally, John Comyn lord of Badenoch reckoned his descent from Bathok, a daughter of Donald Bane, who usurped the throne after the death of his brother Malcolm Canemore.

† Carte mentions this appearance of Eric at the first meeting.

(*a*) From the consultation of the lawyers of Sens in Fordun, l. 11. c. 7. it appears, that Ros alleged, that Isabel his great-grand-mother, had been legitimated.

crown

crown of Scotland, as heir to his daughter Margaret *, and acknowledged Edward's sovereignty over that kingdom. His claim with the rest was referred to the commissioners; who, meeting in the same place as last year, heard and considered with the utmost attention, all the petitions, arguments, allegations, and answers, of each petitioner. Various difficulties occurring, they made a full report to the king; who, having examined it in presence of the whole assembly, ordained to prevent delays and render the cause less perplexed, that the auditors should, in the first place, examine the claims of Brus and Baliol, and determine which of these two had the preferable right; the other competitors in the mean time agreeing to suspend the prosecution of their claims, but with the liberty of resuming it, after this question should be decided. The king then required an oath from the Scottish auditors, that they would give him faithful advice, by what laws and customs the present question ought to be judged. They, entering immediately into a diligent consideration of this point, unanimously answered, That on account of certain differences still subsisting among them concerning the laws and customs of Scotland, in a case so arduous and in former times unheard of, they durst not give the counsel the king required, without farther advice and a fuller deliberation. They therefore supplicated the king, that the twenty-four English delegates nominated by himself, might join them, and assist their consultations concerning the article in question. This being granted and a conference held, the English commissioners represented to Edward, that the Scots, by whose opinion, if unanimous, the king ought to be determined, differed very widely in their sentiments concerning the laws and customs of their country in the present case, and that themselves being few, and not the ablest and wisest in his realm, they did not dare to assume so great a burden, as to advise the king in the present arduous business, without a more extensive and accurate consultation of the great and wise men of his kingdom. Upon this, the king, with the advice of his parliament and consent of the several competitors, appointed the fourteenth day of the ensuing October, for another meeting in the same place. He promised to call together, at that time, a greater number of the persons of his kingdom most eminent in rank and wisdom, in order to a more mature examination of the cause. All now present were admonished, during the interval, to advise with each other, and examine more maturely what was best

Interregnum in Scotland.

1292.

* The petition of the king of Norway contains several other particulars, which seems to be the reason of its not being inserted at length in the record; Walsingham gives the whole in his Ypod. Neust. from whence Prynne copies it into his completion. Eric petitioned Edward to assign to him the revenues of Scotland, for the four years between the death of the late king Alexander and the late queen Margaret, Eric's daughter, which revenues Eric had a right to as lawful administrator for the queen, while she lived, and also to indemnify him for the expences he had been at on her account, both while she remained in Norway, and in sending her over to Scotland. He also requested Edward to condemn the estates and kingdom of Scotland, to pay to him 100,000*l.* sterling, which penalty they incurred by not receiving freely his daughter Margaret as lady (mistress) and queen of Scotland *(dominam et reginam regni Scotiæ)*, nor obeying her in any thing *(nec ei obediendo in aliquo)*; also to demand a sum to supply the deficiency of 700 merks due from the kingdom of Scotland as Margaret's dowry, the rents *(fructus et reddítus)* assigned for 700 merks, amounting only to 500 merks; and in general, to sue for all other debts or claims which Eric had in Scotland. Ypod. Neust. 479. 480.

Edward I. K. of England. 1292.

to be done. And the king, *ex abundanti*, promised to send some of his council to take the opinion of wise men in different countries *, that this also might be laid before him at the next meeting of parliament.

Oct. 14. At the time and place appointed, the king and parliament, with the auditors and competitors, assembled as formerly. Their proceedings began by establishing unanimously the following principles, expressed in their answers to so many corresponding questions which the king proposed to them. First, That the king might and ought to judge in the case before them, by the laws and customs of the kingdoms subject to him; if any fixed and certain laws and customs, that could be applied to that case, were to be found in those kingdoms. Secondly, If there were no such established laws and customs, then the king might and ought, by advice of his nobles and great men, to make a new law. And thirdly, That the right of succeeding to the crown of Scotland ought to be determined in the same manner as successions to earldoms, baronies, and other impartible tenures. Then Brus and Baliol, having first declared to the king their acquiescence in these determinations, were heard at length by the commissioners, each in support of his pretensions.

The substance of the plea now made by Robert Brus, in addition to what his petition contained, was, That a question about the succession to a crown ought to be decided by the law of nature, and not by laws and customs that regulated the successions of vassals and subjects; and that, by the law of nature, he who, being lawfully born, is nearest to the royal blood, when the throne becomes vacant, ought to be preferred. He affirmed, that, agreeably to this rule, it was the ancient custom of Scotland, that the brother of a deceased king should succeed to the crown, in preference to his son; and he adduced examples of such successions in Spain and Savoy. He added, that a woman was naturally incapable of government, and therefore, although Derveguld the mother of Baliol was alive, when the throne of Scotland became vacant by the death of king Alexander, yet she being, for the reason just mentioned, incapable of reigning, the right to the crown ought to devolve to himself (Brus), as being a male in equal nearness of relation with her to the deceased king.

The answer of Baliol, after pointing out some smaller errors in the pleadings of his antagonist, represents, That whatever might be alleged concerning the customs of other kingdoms; yet in the kingdoms of England and Scotland, where kings reign by succession in the right line, and earls and barons succeed in the same manner in their heritages, the issue of a younger sister, though nearer in degree, did not exclude the issue of the elder though in degree more remote; the succession continuing in the *direct* line †. For from this it follows, that while any issue of the elder sister remained, no right

* The consultations of many lawyers in the court of the French king, and of the learned of the university of Paris, are preserved by Fordun, l. 11. c. 4.—9. incl. The case stated to them by Edward, assumes his own sovereignty over Scotland as an established point. Their answers are different, according as their judgments were formed on the Mosaic, Imperial, or feudal laws. But almost all agree, that the custom of Scotland if known; or if not, that of England; ought to be followed, preferably to any law.

† *In ipsa recta linea successione durante.* Carte renders it the *right* or *elder line.*

could

could devolve upon the issue of the younger. This being clearly the law whereby the king of England, sovereign lord of Scotland, gave judgment concerning lands and possessions holding of himself or his ancestors, there was no room for applying to the present case any other laws or customs; for the competitors were on the footing of subjects, not possessing themselves royal prerogatives, but asking justice from Edward as from their sovereign lord; of whom and his ancestors, from time immemorial, the realm of Scotland was held by homage. As to the ancient custom of succeeding in the kingdom of Scotland, which Brus pretended was favourable to his claim, Baliol alleged, that the younger brother, in such instances, succeeding to the elder, in preference to the son of the latter, served to prove that the more remote in degree of succession was preferred to the nearer, in express contradiction to the ground of Brus's claim; seeing the son was nearer in degree of succession to his father than his father's brother, according to the laws and customs of each kingdom. Finally, to Brus's pretence, that a woman was incapable of reigning, it was answered, that his own right to reign could only be through the medium of his mother Isabella; and therefore, if she was incapable of a right to reign, no such right could descend from her to him. Brus was also put in mind, that he, along with the other great men of Scotland, had acknowledged Margaret the daughter of the king of Norway as his queen, and sworn fealty to her, which was totally irreconcilable with his present argument. Then Baliol giving a distinct account of the successors to the crown down from William the Lion, and of every heir who had died, to make way for himself, he demanded that the petition of Brus should be voided, dismissed and rejected, and the kingdom of Scotland adjudged to himself as rightful heir.

Interregnum in Scotland. 1292.

All these things being heard and discussed at length before the auditors, were reported to the king, who then solemnly asked the advice of all the members of his great council or parliament, and also of the auditors, whether of the two ought to be preferred to the kingdom of Scotland, in consequence of what had been pleaded and alleged by each party. And, that the decision might have more the appearance of being founded on the merits of the cause, and not on personal favour, he comprehended each party's grounds of claim in the following general question; Whether the remoter by one degree in succession issuing from an elder sister ought, according to the laws and customs of each kingdom, to exclude the nearer in degree issuing from a younger sister? Or if the nearer in degree issuing from a younger sister ought, according to the same laws and customs, to exclude the more remote by one degree issuing from an elder sister? To which question, an unanimous final answer was given, That, in the circumstances stated, the descendant of the elder sister ought to be preferred. The king having heard this answer, ordered the whole affair to be again most accurately canvassed by the same assembly, and appointed a day to Robert and John to hear their judgment, viz. the Thursday after the feast of All Saints, being just three weeks from the present meeting.

At the opening of the next meeting, where Brus, Baliol, and the other competitors, attended, it was declared, after weighing Brus's petition, with all its circumstances and the arguments on both sides, that this petition ought Nov.

to

Edward I. K. of England. 1292.

to be dismissed *. But as to the petition of Baliol, the king could not proceed to give judgment, until the petitions of the other claimants were heard; for which reason Baliol, and the rest were directed, if they thought it expedient, to prosecute their several petitions before the auditors from day to day. Then Robert Brus appearing in person, declared his intention to enter into a plea for the whole kingdom of Scotland, or a part of it, in a different form and manner from what he had before used. He requested to be admitted to do so, and named three procurators †, who were allowed to appear for him. Immediately after, John Hastings presented himself to prosecute his petition, as being the heir of Ada, the third daughter of David earl of Huntingdon. Hastings pleaded, that the question ought to be decided according to the common law of England; agreeable to which, the inheritance was partible, and ought to be divided equally among the heirs of the three sisters, Margaret, Isabel, and Ada; and as the heir of the latter, he claimed his proportion or third share. Immediately Robert Brus, adopting the argument of Hastings, and adding some reasons to prove that the kingdom of Scotland was partible, claimed a third part of Scotland, as being the heir of David's second daughter. Baliol's answer to these claims was also heard; and the reasons on both sides being diligently examined by the king and his council, the king inquired of the assembly, Whether the kingdom of Scotland was partible? Or, if the kingdom was not partible, whether its escheats or casualties were partible ‡? To both which questions, answer was unanimously given in the negative. Then the king assigned to all the claimants the next Monday after Martinmas, to hear his judgment on their petitions; purposing to employ the

* On the day after this decision, Robert de Brus executed an instrument at Berwick, resigning *all his right in the kingdom of Scotland* (*a*), to his son Robert earl of Carrick and his heirs; sealing the deed not with his own seal, but with that of the earl of Glouceſter and Hertford. Carte refers to the deed in *Vincent's Correction of Broke's Errors*. And on the sabbath following, Robert earl of Carrick resigned his county of Carrick, and all the other lands held by him in Scotland, in right of his late wife Margaret countess of Carrick, to his son Robert (afterwards king of Scotland), as the right and heritage of the latter, requesting John Baliol to whom the deed was addressed, to receive the homage of his son Robert, as the true and lawful heir of these estates. Robert earl of Carrick having absented from Baliol's parliaments held after Candlemas and Easter, in order, as it would seem, to avoid appearing before that at Lammas, went over to Norway, and his son attending the parliament at Lammas, produced this deed and was admitted on certain conditions to do his homage. Rym. vol. ii. p. 614, 605, 612. According to Leland, Robert, in the presence of king Edward, refused to do homage to Baliol, and thereupon resigned his lands in Annandale to Robert his eldest son, who also refusing to do said homage, he said to Robert his second son, (it should be his grandson) *take thou my land in Scotland*, whereof accepting, he did his homage accordingly. Dugd. i. 450.

(*a*) So in Carte, perhaps it should be *lands in Scotland*.

† Geoffrey de Caldecote, Gilles de Garnesches, and John de Bry, probably all Frenchmen. The plea now taken up by Brus, is supported by the opinion of Thomas de Welland, one of the French lawyers consulted by Edward. Ford. l. 11. c. 8. This lawyer being asked whether Brus might petition for a third of the kingdom after failing in his petition for the whole, answered, that he might, and ought to obtain the third sought. Ib.

‡ Question put by the king. *An regnum Scotiæ sit partibile? Et si idem regnum non sit partibile, an escætæ et acquisita* (Prynne's copy adds *ejusdem*) *sint partibilia?* To which it was unanimously answered, *quod regnum Scotiæ non est partibile, nec escætæ seu acquisita infra regnum Scotiæ sunt partibilia, ex quo ad manus regis ejusdem regni devenerunt.*

interval

interval to examine diligently, with the aid of his council, every one of the processes, with their reasons, allegations, and all their circumstances. Interregnum in Scotland

The next and last meeting for the hearing of this great cause, was held in the hall of the castle, where the petitioners being called upon by a solemn and public proclamation, there appeared Eric king of Norway, Florence earl of Holland, and William de Vesey, by their attorneys; Patrick earl of March, William de Ros, Robert de Pynkenny, Nicholas de Soules, and Patrick Galithly, in person, who all withdrew their petitions; and judgment was of course given by the king, that they should obtain nothing by them. Because John Comyn and Roger de Mandeville had not prosecuted their petitions, the like judgment was given against them. It was next declared, that Brus should obtain nothing by his last petition; because in his first, he had acknowledged the kingdom of Scotland to be impartible, which was also established by the unanimous judgment of the estates of both nations. This decision with regard to Brus's petition, determined also the fate of that of Hastings. And to conclude all, it being manifest that the kingdom of Scotland was impartible, that the king of England ought to judge according to rules universally approved and received in both kingdoms; it being farther evident, that by the laws and customs of each of these kingdoms in an impartible hereditary succession, the remoter in degree in the eldest descending line ought to be preferred to the nearer in the second line; and also, because the order of succession represented in Baliol's petition was not denied by any of the other competitors, whence it appeared that his title to the crown was preferable to that of all the others: it was, for these and other reasons which the processes contained, adjudged, that John Baliol should recover and have seisin of the kingdom, with every thing thereto belonging, which, by reason of the sovereignty or dominion of the king of England, had fallen into this king's hands; saving the right of the king of England and his heirs, when they chose to insist upon it. And charge was given to John, to govern his kingdom and people in such manner, that none might have cause to complain for defect of justice, and thereby oblige the king of England to interpose in quality of superior lord of Scotland, for the redress of grievances complained of in that kingdom. In conclusion, Edward fixed the following Thursday for Baliol to render fealty to him for the kingdom of Scotland, in whatever place Edward should then be; and Christmas for his doing homage to Edward, wherever this king should then be, residing within his own kingdom.

1296. Nov. 17.

Nov. 20.

Two days after, orders were issued to the five guardians of Scotland, to deliver to John without delay seisin of that kingdom; and particular orders were addressed to the keepers of al the castles * that had been delivered to Edward to re-deliver these to the new king. On the same day in the presence of John Baliol, now intitled, *The illustrious King of Scotland*, and of many prelates and nobles of both kingdoms, as well as a great multitude of people assembled in the hall of Berwick-castle, the seal used by the regents of Scotland since the time of the late king Alexander's death, was broken into four

* Peter Burdett was then conſtable of the caſtle of Berwick, and the order, addreſſed to him, is publiſhed by Rymer, as a ſpecimen of the orders given to all the reſt. Rym. ii. 590.

parts,

Edward I. K. of England. 1292.

parts, and the pieces thereof deposited in a leathern bag in the treasury of the king of England, to be preserved as a monument and evidence of the sovereignty and direct dominion of that monarch over Scotland.

In the manner above related, was conducted and concluded this great affair, one of the most important in itself and in its consequences, that was ever transacted in the island of Great Britain. Edward, not less illustrious in his character of a legislator and judge, than of a general and conqueror, exhibited, in the concluding of this process, a specimen of that deliberation and solemnity with which momentous questions of right ought to be examined and tried. Nor doth any thing appear in the face of the proceedings, as stated in the full and distinct record made of them by Edward's direction, that can afford any just ground to suspect him of partiality, or of using any undue influence with the (numerous) judges of this great cause. The story so long and confidently told by Scottish writers, of Bruce refusing to acknowledge Edward's superiority, even for the sake of a crown, and of Baliol's gaining that monarch's favour, by readily assenting to what the other refused, is fully overthrown by the record, as well as by the testimony of the English historians. The iniquity of Edward's conduct consisted in his claiming the sovereignty of Scotland, upon false and inadequate grounds; and in the advantage he took against the Scots, torn by factions and destitute of a head, to obtain from them an acknowledgment of his pretended right. But admitting his claim to the sovereignty to be valid, his decision in favour of Baliol appears to have been just, as being agreeable to the rules of succession in other impartible fees that depended on the crown of England; which rules by the confession of the Scottish delegates, likewise obtained in similar cases in their kingdom*.

Nov. 20. Rym i. 591.

On the day after breaking the seal of the late regency of Scotland, Baliol swore fealty to Edward in the castle of Norham, in the presence of many of the great men of both nations.

Ibid. p. 600.

Next day Edward gave a commission, dated in the same castle, to John de St. John to place Baliol on his royal seat at Scone, agreeably to the ancient custom of Scotland, in the inauguration of their kings; in performing which office, St. John, was to represent Duncan the earl of Fife, at that time a minor in Edward's custody. Baliol was accordingly placed on the royal chair at Scone, on St. Andrew's day; and passing

Ibid. p. 593.

soon after into England, paid homage to Edward at † Newcastle upon Tyne, on the day after Christmas.

Ford. l. 11. c. 11.

* Fordun gives us some traditions about this affair, which he had probably found among his countrymen in the following century. He says, that Edward finding the assize or judges inclining to give the preference to Bruce, and advising concerning the matter with some of his counsellors, Anthony Beck, bishop of Durham, reminded him of Bruce's great family and connexions in England, and how formidable he would be to England, if advanced to the throne of Scotland, whose kings had formerly been so troublesome to those of England. On which Edward replied, *par le sang de Dieu vous avez bien eschante*, the matter shall go otherwise than I at first intended. Fordun also relates, that after sentence was given for Baliol, the earl of Gloucester the nephew of Bruce's wife, taking Bruce by the hand, bid the king consider what kind of a judgment he had that day given, and remember that he himself should be judged at the last day. He adds, that Robert, by command of the same earl, immediately retired, and never paid fealty or homage to Baliol.

Lel. Col. vol. ii. p. 539. Hearne's Ed.

According to an account in Leland's Collectanea, John de Warrene, earl of Surrey, father-in-law to John Baliol, joined with Anthony Bec bishop of Durham, in maintenance of Baliol's title.

† In the hall of the palace of the king, within the castle.

Edward

Edward having, by virtue of his sovereignty, given the Scots a king, seems to have been fond of embracing every opportunity of making both the king and people of that nation feel, in its utmost extent, their subjection to the power they had recognised: nothing could contribute more to this purpose, than the receiving of appeals from Scotland, in questions of law and right, to himself and his courts of England: and, with this view, soon after he had obtained the recognition of his sovereignty over Scotland, and possession of that kingdom, in the preceding year, he issued from Berwick a mandate to the justices of his bench, to admit royal writs, presented or returned before them, although bearing date within the kingdom of Scotland; not allowing such dates to be just exceptions against them; because the kingdoms of England and Scotland, by virtue of the sovereign dominion which the king now possessed over the latter, were conjoined *.

John Baliol, K. of Scotland. 1292.

Rym. ib. 533. July 3, 1291.

The first example of an appeal of this kind was given by one Mr Roger Bertelmeu, a burgess of Berwick, who presented to Edward, a little before he left that place, (Dec. 7) a complaint against the justices constituted by the king for trying causes in Scotland, while that kingdom remained in Edward's possession; declaring, that in certain suits against him, tried before those judges, their proceedings had been contrary to justice, and to the customs of both kingdoms. The king, on receiving this complaint, ordered the records of the proceedings complained of to be laid before himself and his council; that, if any error appeared, it might be amended, and a right judgment given. This was accordingly done at Newcastle, on the Monday before Christmas; when, of three judgments given by the judges in Scotland, one was confirmed, another reversed, and the dispute with regard to the third, terminated by an agreement between the parties, which the king and his council ratified.

Ryl. plac. Parl. p. 145.

In one of these pleas the king thought it right to proceed according to the custom of Scotland; and that he might be authentically informed of this, he called upon some of the great men of that nation, then attending their king at Newcastle, who were reputed most knowing in the laws and customs of their country, and required them, upon their oaths, to declare, what the law and custom of Scotland was, in the matter in question †. The decision given by Edward's council, was founded on the testimony these Scotsmen gave concerning the law of their country; but this appeared a poor compensation for the grievance which in this juncture they saw begun, of drawing pleas concerning matters of private right or property out of Scotland to be rejudged, and finally decided in England.

Ryl. p. 150,

To obviate, if possible, this evil, the bishop of St. Andrews and several others of the council of the Scottish king did, in their master's name, petition Edward, that he would adhere to the promise he had formerly made, of main-

Rym. ib. 596.

* *Quia regna Angliæ et Scotiæ, ratione superioris dominii quod in eodem regno Scotiæ obtinemus, benedicto Altissimo sunt conjuncta.*

† The question was, When parties in any cause had voluntarily submitted the matters in question betwixt them to the inquest of their country in the king's court, and the court allowed this inquest, whether judgment ought to be given and carried into execution, agreeably to the verdict of this inquest? To which the Scots answered in the affirmative.

Edward I. K. of England. 1292.

taining the laws and customs of the kingdom of Scotland, and that pleas and complaints in any affairs within that kingdom, should not be drawn out of it into England, for decision. In answer to this petition it was declared, on the part of Edward, in presence of his counsel, by Roger le Brabanzon his justiciary, that they could not but be sensible, that the king of England had in every article kept the promises he had made them; but, with regard to complaints presented to him of the proceedings of the delegates, having their commissions from him, in quality of Sovereign lord of Scotland, no other but himself could be intitled to have cognisance of them; for these delegates representing his own person, it could alone belong to him to correct, or in any manner to intermeddle with their judgments. On this occasion Brabanzon farther protested, for his master, that although, during the late vacancy of the kingdom of Scotland, he had, concerning certain articles, made promises that suited the time *, which promises he had kept; yet now, when that nation was provided with a king, he did not intend to be thenceforth bound by them, so as to be thereby precluded from admitting complaints, regularly brought before him, from that kingdom, and all other affairs relating to it, and dispensing justice in all such matters in the best way he could; and to exercise his sovereign dominion over Scotland, within the kingdom of England, where he thought fit, and as justice required. To give the greater weight to this protestation, and make the Scottish king and his nobles fully sensible of the subjection to which they were reduced, this protestation was renewed by Brabanzon, before a meeting held on the last day of December, in the king of England's chamber, where both kings, and several of the great men of each kingdom, were present: and, after the justiciary had delivered it, the king himself repeated it in equivalent expressions in the French language; adding, that if the matters brought before him from Scotland rendered it necessary, he would cause the king of Scotland to be called to his presence, within the kingdom of England.

A. D. 1293. Jan. 2. Rym. ib. 597, 598.

To complete the securities which Edward thought requisite for establishing and clearing his rights in Scotland, he obtained an instrument in writing, sealed by John Baliol and the great men of Scotland who attended him, in number eleven, before they left Newcastle, containing a full acquittance of all conventions, promises, and obligations, together with the penalties enforcing them, which he had given to Baliol and the estates of Scotland, with regard to the affairs of that kingdom; a ratification of every thing done by Edward as sovereign lord of Scotland, while it remained in his hands; and an acknowledgment of the absolute nullity of the articles contained in the writings drawn up at Northampton, on the 28th August, in the 18th year of Edward's reign, on occasion of the marriage-treaty between Edward's son and the queen of Scotland, whose heir Baliol was: in which articles Edward had made certain concessions concerning the rights, liberties, and customs of Scotland, its separation from England, and independency thereon.

* *Super certes articulis quasdam promissiones fecisset ad tempus.*

The

The subsequent conduct of Edward towards his great vassal of Scotland, was answerable to these beginnings. The tendency of it was, either to train him and his subjects to a servile dependence on England, or to provoke them to revolt; on which latter event, he flattered himself with completing the conquest of the whole island, by reducing Scotland to the same state with Wales; and he made no doubt but that, by pursuing similar measures, he would attain the same end. In the course of this year four different appeals were presented to him; upon all which he issued summons to the king of Scotland to answer before him in person.

John Baliol K. of Scotland 1293.

Rym. ib. 605, 606, 608, 625,

The only one of these appeals which appears from records to have been prosecuted, was that taken by Macduff, son of Malcolm, once earl of Fife, who was disseised by the king of Scotland and the first parliament held by him, of certain lands, which the king claimed to hold as part of the estate of the present earl of Fife, a minor, and the king's ward. Macduff had complained to Edward, when at Berwick, of being unjustly ejected from the abovesaid lands by the bishop of St. Andrews, who was then guardian of the earldom of Fife, and the king had commanded the guardians of the kingdom to inquire into the matter, and to do Macduff justice. By their sentence Macduff was restored to the possession of the lands in question; and this having been done, in consequence of Edward's interposing his authority, it is probable he was the more ready to hear and support the plaintiff, whom Baliol, by the advice of his parliament (held eight days after Candlemas), had not only dispossessed of the abovesaid lands, but committed to prison, on account of his violent intrusion into the possession of them. Macduff, however, being soon restored to his liberty, employed it in representing his grievances to the English king, and in seeking redress from him as sovereign of Scotland: upon which a summons was sent to Baliol, to appear before Edward, wherever he should be in England, on the morrow of the feast of Trinity, to answer the allegations of Macduff; to whom the same day was assigned, that the cause might be tried and decided according to justice. This summons the sheriff of Northumberland was commanded in person to deliver to the king.

March 25.

In the interval between the date of this summons and the day of appearance, there were *agents* or *ambassadors** of the Scottish king at the court of England, sent by him, partly on occasion of another summons prior to that in the cause of Macduff; and also charged with several requests, to be presented, in their master's name, to the king of England. These petitions † related to certain debts and arrears of the kingdom of Scotland, to the relief which Edward claimed from Baliol, for the ‡ lands held by Baliol's mother in Scot-

Rym. ib. p. 635.

* Alexander Baliol chamberlain of Scotland, and Hugh Euer, knights.

† The account of these petitions and answers, in French, is placed in Rymer in the following year. But both the date expressly subjoined to them, and the matters they contain, particularly the affair of Mason, shew that they belong to this year.

‡ These must be the lands of Galloway; and in the answer of the king of England, it is said, that it appeared from his rolls, that the relief of the lands of the king of Scotland which belonged to his mother in Scotland, amounted to 3289*l.* 14*s.* of which Edward forgave the king of Scotland 3000*l.*, and was content to be paid the remainder, at the rate of 40*l.* *per ann.* half at Michaelmas, and half at Easter.

Edward I. K. of England. 1293.

land; and to other debts which Baliol himself and his father owed to the exchequer of England, for their estates or offices which they had held in that kingdom. With regard to all these articles, the answers made by Edward were favourable; although not granting every thing that was requested. A transcript of the accompts, that had been delivered at Berwick and Roxburgh, were also, on Baliol's desire, ordered to be given to his agents by the treasurer of England. Another request of the king of Scotland was, that the debate between the towns of Haudene and Carham *, with regard to their boundaries, should be terminated by the laws and customs of the marches; to which the king of England answered, that he understood this controversy had been formerly tried, and the proceedings in it enrolled; that he would order a search of the rolls, and then inform the king of Scotland of his pleasure. Finally, with regard to the summons † on the suit of John Mason, the king answered, that Mason was dead, and thereby the action null.

Ryl. p. 152.

In the papers containing an account of the above particulars, no mention is made of the affair of Macduff; but from the record of the Easter parliament, at some of its meetings after the feast of Trinity, we learn, that Baliol, did not obey the summons. Upon which a new summons was ordered to be given to him, to appear before Edward within the fifteen days immediately ensuing the next Michaelmas. Some alterations and additions were made in the form of the new summons; and an order of proceeding was fixed, to be observed in cases of future complaints and appeals to the king of England against his vassal of Scotland. These regulations, which seem to be drawn up in the highest strain of the authority of the superior, according to the feudal system, were full of rigour with regard to Baliol; while they gave all manner of encouragement and protection to his subjects, in their complaints of wrongs done them by their king or his courts.

Ryl. p. 157.

At the English parliament after Michaelmas, the king of Scotland was present, as also Macduff, the plaintiff against him. Baliol acknowledged, that Edward's summons had been delivered to him at Stirling, by the sheriff of Northumberland; and at the same time professed his readiness, at all times, to receive the brieves and mandates of Edward as his sovereign lord; but declared, that as king of Scotland, he neither dared ‡, nor could give answer in the case of Macduff, nor in any other that concerned his kingdom, without the advice of the estates. Time was offered him to consider more maturely of his answer; but he refused the offer, and expressed his determination to

* In Rymer it is Barham: an error not to be corrected but by one who knows the country. Haudene is on the Scottish border; Carham on the English. *There is still a common remaining undivided betwixt these places.*

Rym. p. 605.

† From the tenor of this summons, dated March 8, it appears, that John Mason was a merchant of Gascony; who having furnished Alexander late king of Scotland with certain quantities of corn and wine, amounting in value to 2197*l.* 8*s.* the king assigned to him the customs of Berwick for payment of the debt. Mason had begged the present king of Scotland to be heard in support of his claim, in presence of the executors of king Alexander, offering to prove his right to the sum mentioned by letters and other sufficient documents, but his request was rejected; on which account he sought redress by appealing to Edward.

‡ *Quod de aliquo regnum suum contingenti, non est ausus nec potest hic respondere, inconsultis probis hominibus regni sui.*

adhere

adheee to what he had said. Edward then advising with his council, it was agreed, that the king of Scotland remained *without defence* against Macduff, who should therefore recover damages for his imprisonment; and, upon due inquiry, according to the custom of the country, should have justice done him in the rest of his plea. And with regard to the disobedience and contempt of the king of Scotland, because that prince was tempted to such presumptuous behaviour by the power belonging to his royal estate; and it was consonant to justice, that any person should be punished in that which gave him boldness to offend; it was decreed, That the three principal castles of the kingdom of Scotland should be seized into the king's hands, with the towns where the castles lay, and the royal jurisdsction in them; and be detained, until Baliol should make satisfaction to Edward for his contempt and disobedience. But before this judgment was pronounced, Baliol presented to Edward a supplication; first in words, and afterwards in writing, 'professing himself Edward's 'vassal for the kingdom of Scotland, and intreating a delay, until he should 'consult his estates about what concerned *them*, no less than *himself;* especially 'as his Scottish subjects, who now attended him, refused to give him advice, 'without consulting with their countrymen at home; promising, That after 'having thus advised, he would answer Edward at his first parliament after 'Easter, and perform to him what he owed.' This request Edward granted, of his special grace, at the instance of the nobles and great men of his council, and with Macduff's consent; and the morrow of the feast of Trinity was appointed as a new day for proceeding in the cause *.

John Baliol, K. of Scotland. 1293.

Before the end of this year, Edward received from the French king, Philip the Fair, a treatment resembling that which he had been giving to the king of Scotland: for quarrels having, from small beginnings, grown to a great height between the seafaring men of the Cinque Ports, and those of Normandy, a fleet belonging to the former, assisted by some ships of Bayonne, partly took, and partly destroyed, in the preceding summer, a great fleet of the Normans. Philip accused Edward of instigating and supporting his subjects in those violent courses; and Edward not consenting to make the restitutions, or satisfac-

* Edward, to compenſate in ſome manner his rigorous treatment of Baliol, in the affair of Macduff, ſeems to have been ſufficiently ready to do him juſtice, with regard to the lands he claimed in England, as heir to Alexander late king of Scotland. For, by the return of an inqueſt, made to the parliament after laſt Eaſter, it was found, that Alexander, at his death, ſtood poſſeſſed of the lands of Tindale, Penrith, and Sowerby; and Baliol having produced, at this Michaelmas parliament, the charter whereby Henry III. of England had granted to Alexander II. of Scotland, and his heirs, ſovereigns of that kingdom, the lands of Penrith and Sowerby, he was, on the Friday before All-Saints, admitted to do homage for all the lands mentioned, and alſo for his ſhare of the honour of Huntingdon; and Sir Patrick Graham, having ſworn fealty to Edward, on the ſoul of his maſter, orders were iſſued to give Baliol ſeiſin of all thoſe lands. *N. B.* No mention is made of any inquiſition into Baliol's right to a *propars*, or ſhare of the honour of Huntingdon, (although it ſeems to be ſaid, that it belonged to him as king of Scotland, *etiampro poparte ſua honoris de Huntingdon ipſum regem Scotiæ contingenti.* Ryl. p. 165), nor of any ground of this claim. John de Haſtings put in a claim before the king and his council, at the Eaſter parliament, for his proportional part of the lands of Tindale, Sowerby, and Penrith, as being one of the heirs of the late king of Scotland. Upon which both parties were ordered to ſet forth the grounds of their claims before Edward's chancellor and judges. The king of Scotland's meſſengers and agents made their appearance as required, but Haſtings dropt his ſuit. Ryl. p. 160.

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Edward I, K. of England. 1293.

tion that Philip demanded, matters came at length to such extremity, that Philip issued his summons to Edward, as his vassal for Aquitaine, to appear before him in his court of peers, on the twentieth day after the ensuing Christmas, to answer for his iniquitous proceedings. An attempt to heal this strife, by the interposition of Edmund earl of Lancaster, whose wife the queen of Navarre was mother of king Philip's queen, did, in the issue, render it more violent. Edward having resigned into Philip's hands the province of Aquitaine, that it might be restored to him by a feoffment on new conditions, according to an agreement concluded by Edmund's mediation, Philip pretended, that his council would not consent to the restitution; and Edward thus found himself reduced to a necessity of engaging in a war, for recovering his dominions in France.

A. D. 1294.

To his parliament, which met after Whitsunday, he explained the wrongs he had received from Philip; and, with the consent of all, an expedition was decreed for the recovery of Gascogny. John king of Scotland was present at this parliament; and is said, for his share of the expences of the war, to have granted to Edward the rents of all his estates in England for three years. Perhaps this concession rendered Edward more favourable to John, in regard to the appeals taken against him. To these appeals there had been lately added a new one, of more consequence than any of the others, by the bishop of Durham; who claiming the towns of Berwick * and Haddington, with their appendages, as belonging to his church of Durham, had, in vain, sought for justice, in the court of the Scottish king. Of this denial of justice the bishop complained to the king of England; who issued a summons, to be delivered to Baliol, by the sheriff of Northumberland, requiring him to appear before his sovereign, to answer the bishop's complaint, on the day after Midsummer. But we have no account of any farther proceedings in this cause.

Mat. Weſtm. p. 421. Hemingf. p. 43.

Rym. ib. 632. April 22.

It is probable, that the difficult state of Edward's affairs in France, and his preparations for an expedition thither, occupied all his thoughts, and disposed him to a more gentle treatment of the king of Scotland and his subjects. Yet he ceased not to exercise his sovereignty over them, in matters respecting his war with France; for having, in the beginning of June, laid a strict embargo on all the ships in the English ports, he required Baliol, upon his fealty, to do the like in Scotland. And having fixed the first of September for the day of a general rendezvous of his military tenants at Portsmouth, for an expedition into Gascogny, he summoned the king of Scotland to send thither *some part of his vassals*. He also summoned several of the chief nobles of Scotland; both such as had estates in England, and such as had not, to give him their attendance †; not requiring the presence of the latter, upon their fealty and homage, but rather asking it as a favour; and particularly declaring, that their personal presence would be more agreeable to him, although with a smaller company of

Rym. ib. 636.

Rym. ib. 642, 643. 644.

* Probably the biſhop's claim to Berwick was founded on the ancient donation of that town, made to St. Cuthbert's fee, by king Edgar.

† Among theſe were, Robert Brus lord of Annandale, John de Comyn earl of Buchan, Patrick de Dunbar earl of March: there were ſix other earls; alſo James Steward of Scotland, and eleven conſiderable barons. Rym. ib. 643, 644.

their

their men, than a greater number of these, if they themselves were absent. But, instead of the desired attendance, both the king and his nobles sent excuses.

John Baliol, K. of Scotland. 1294.

So far were the Scots from aiding Edward against France, that they fondly embraced the opportunity offered them by the breach between France and England, to seek the aid of the former against the usurpation and oppressions of Edward. They were farther encouraged in this project by a very troublesome rebellion of the Welsh against Edward; which required the presence of that monarch in person, for many months, to quash it, and to settle the country in peace. Baliol had considerable possessions in Normandy, which connected him with the French king; but he had also large estates in England, had long lived there as Edward's subject, and knew well his greatness; whence it is probable, that, although provoked by Edward's tyrannical proceedings, he would much dread the consequences of an open defection from him. The knowledge of these circumstances, not to mention the weakness of understanding imputed to him, would naturally hinder his Scottish subjects from placing any confidence in him, in conducting a quarrel with England. And hence the account seems not improbable, which is given by several of the English annalists, That a parliament at Scone, having resolved to throw off the English yoke, elected, out of their own number, a council of twelve; consisting of four bishops, four peers, and as many barons, in imitation of the twelve peers of France, by whom their king should be directed in all public affairs; and to free both king and people from the bond of fealty which they had sworn to Edward *, an absolution from that oath was solicited, and obtained, from Pope Celestine.

Hemmingf. i. 75.

A. D. 1925.

Westm. Hemingf. Triv. Walsing. Knighton

Hem. i. 83.

While Edward was yet in Wales † the *bishops of St. Andrews and Dunkeld*, with John de Soules, and Enguerrand de Unframville, knights, were commissioned to go over to France, to negociate and conclude the projected treaty with the French king, which was ratified at Paris in the following month of October. By this treaty a marriage was agreed, and its conditions settled, between Edward the eldest son of John Baliol, and the declared heir of his kingdom and estates, and Joan daughter of Charles of Valois, the king of France's brother. The king of Scotland engaged to assist the king of France with all his power by land and sea, in the course of the present war between France and England; and particularly, if the king of England should, in person, go forth from his own country, carrying with him a considerable body of his forces, the king of Scotland, on that event should, with his whole forces, carry war into England, as far and wide as he could. On the other hand, Philip engaged, that, in case of an invasion of Scotland, by the united forces of England, after a war begun, at Philip's request, or on occasion of the affinity, or confederacy, now concluded, he would either find employment for the king of England elsewhere, by attacking some of his domi-

July 5.

Rym. vol. ii. p. 695—698. Ford. l. 11. c. 16, 17. And. Dipl.

* It is remarkable, that the Scots, in defending their conduct to Pope Boniface in 1301, make no mention of this absolution of Celestine; and seem to think it a sufficient defence of Baliol and his subjects, for their breach of faith to Edward, that their oaths were extorted by force.

† Edward returned from Wales in the end of July 1295, having been there from the beginning of the preceding winter

nions;

Edward I. K. of England. 1295.

nions; or send a competent aid of forces into Scotland, and maintain them at his own expence, until they should arrive there. It was also agreed, that neither of the contracting parties was to conclude peace or truce, without including his ally.

Although Edward must have, long before this time, been sufficiently irritated by the behaviour of Baliol and his subjects, yet his desire of employing his whole force, for recovering his French dominions, made him averse to enter into a war with the Scots. And as they were still giving fair words, notwithstanding their secret counsels and preparations of which Edward could not be ignorant, he made a proposal, That, for the security of himself and his kingdom, the king of Scotland should deliver to him the castles and towns of Berwick, Roxburgh, and Jedburgh, to remain in his possession, while his present war with the French king continued; binding himself and his heirs to restore them at the end of the war; and that the present surrender of them should be no prejudice to Baliol or his heirs *.

Rym. ib. 692. October.

Prynne, iii. 537.

Edward holding a parliament at St. Edmundsbury after Martinmas, the abbot of Aberbrothick, with some Scottish nobles, came thither with letters from their king, containing excuses for his absence from some former parliaments. These envoys also complained in their master's name, of many and grievous injuries daily done to himself, and his subjects, by the subjects of Edward; and desired that monarch to apply a proper remedy to these mischiefs. The answer given by Edward was, That he intended a progress to the northern parts of his kingdom, and would there take such order, with regard to all offences committed by his subjects against the Scots, as should give full satisfaction to the king of Scotland; that he now granted a prolongation of the day assigned by his justices to that king, for answering in the affair of Macduff, until the first of the ensuing March, at Newcastle upon Tyne; on which day he enjoined the abbot, and his fellow-envoys, to warn their king to be present in person at that place, to treat with Edward on the matters before mentioned, and others that pertained to the state and tranquillity of each kingdom.

Prynne, iii. 540.

This summons was renewed by the abbots of the new monastery, and of Welbeck, who were sent on this purpose from Edward to the king of Scotland, and did also in vain renew the demand of the castles, on the terms already recited. With the like contempt was treated a request from Edward, that the Scots would not admit into their ports his enemies of France or Flanders. While matters were thus tending to an open rupture, the garrison of Berwick, consisting of the military tenants and fighting men of Fife, who, by reason of the minority of their earl, were then under the king's immediate command, attacked certain English vessels that had entered the port, setting fire to the ships, and giving no quarter to those on board. This, added to former provocations, made it evident, that the force of Edward's arms was the only means of maintaining that sovereignty, which his policy, and the dread of his greatness, had acquired.

Hem. i. 83, 84.

* Such an engagement was given to the bishop of Carlisle, to be delivered by the bishop to the king of Scotland, if that king had consented to give up these places.

Other-

Other preludes to an open war were Edward's seizing all the lands possessed in England by Baliol, or by any of those Scotchmen who had entered into the project of casting off the English yoke; while, on the other hand, all Englishmen were driven out of Scotland; the lands they possessed there, taken from them; and the estates of those Scotchmen also forfeited, who, from the fear of losing their possessions in England, or other considerations, refused to join their countrymen in the strife for liberty.

John Baliol, K of Scotland. 1295. Hem. ib.

Edward kept his day at Newcastle, accompanied by his nobles, and an army of 30,000 foot, and 4000 men at arms *; besides the little army of the bishop of Durham's, consisting of 1000 foot, and 500 horse. After summoning in vain the king of Scotland, and waiting some days for his appearing, he advanced to Bamburgh, where he also made some stay, and probably repeated the summons †. He seems to have been there, when he received intelligence, that Robert de Ros, lord of Wark, had abandoned his castle, and gone over to the Scots; the violence of his passion for a Scotch lady, whom he sought in marriage, proving too strong for his bond of duty to his king and country. His brother William, whom he endeavoured in vain to make a partner of his treachery, continued in the castle; and sent a message to the king, then at Newcastle, requesting a speedy aid; lest the Scots, prompted and conducted by his brother, should make themselves masters of the place. The king immediately ordered a thousand men to march towards Wark: who having reached, in the evening, a little town in its neighbourhood, called Prestfen, took up their quarters there for the night, not dreading any hazard. But the traitor, Robert Ros, having intelligence of their situation, led a party of Scots from the garrison of Roxburgh; who having invested the village, and agreed on proper signals to distinguish each other in the dark *from the English*, set fire to the houses; and the English, flying from the flames were slain by their enemies, and some of them by each other. A few, who made their way into the fields, were taken, and carried prisoners to Roxburgh-castle. *The leader of the party* escaped, having lost his horses and arms.

A. D. 1296.

Hem. i. 85. Knyghton, col. 2478, 2479, 2480.

Edward having intelligence of this disaster the morning after it happened, is said to have given thanks to God, that his adversaries, having entered his kingdom, had been the beginners of a war, which he hoped to conclude happily. He immediately marched with his whole army to Wark; but Easter being just at hand, he would not pass the boundary of his kingdom, until that festival was over; and therefore kept it in the castle of Wark. While he tarried there, he was joined by the elder and younger Robert Brus, by Patrick earl

Hem. i. 102.

* *Gens d'Armes* or heavy armed horsemen.

† Edward, in his famous letter of vindication to Pope Boniface in 1301, says, That for the security of his kingdom, he came to the border between England and Scotland, and several times summoned John, then king of Scotland, to come to him at certain places, on the said border, that he might give proper security for preserving the state, tranquillity, and peace of both kingdoms; and might also hear the pleasure of the king and his council, and receive justice at their hands: "quod ad certa loca in confinio prædicto ad nos accederet super præmissis et aliis, "pro statu tranquillitate et pace utriusque regni assecurationem facturus, et alia per nos et con-"silium nostrum sibi expedienda auditurus, et super his et ea contingentibus justitiam recep-"turus." Rym. ii. 887.

Edward I. K. of England. 1296.

of March and Dunbar, and by Gilbert Umfranville earl of Angus, who all renewed to him their engagements of fealty and obedience.

March 25. Hem. i. 87. Lel. coll. i. 540.

The chieftains and fighting men of Scotland were, in great numbers and different bodies *, assembled near the borders, for defence of their country; but instead of facing Edward's main army, they endeavoured to embarrass him, and oblige him to divide his forces, by entering England over the western march. This they did, with a numerous army, led by seven Scottish earls, on Easter-Monday, while Edward was yet at Wark. Having wasted the country, in their way to Carlisle, they burnt the suburbs, and attempted to storm that city; but the inhabitants made so stout a resistance, even the women mounting the walls, to throw stones and pour hot water on the assailants, that they abandoned their enterprise, and speedily returned to their own country.

This inroad of the Scots seemeth not to have in the least disturbed Edward in prosecuting the plan he had formed. On the Wednesday after Easter, he

Hem. i. 89.

entered Scotland with his main army, by fording the river Tweed, below the nunnery at Coldstream; and though the river was considerably swelled, yet all passed in safety, except a single boy, who, falling from his horse, was carried down the stream and drowned. On the same day, the bishop of Durham led his men over the river, at a ford near his castle of Norham; and the whole army marching along the Scottish side of the river, came before Berwick. The king summoned the townsmen and garrison to surrender, offered them conditions of peace, and waited for their acceptance of these the remainder of that day, and all the day following. But his offers being rejected, he moved

Hem. i. 90.

his camp, and fixed his quarters in the † nunnery, situated in the fields of Berwick, at the distance of about a mile from the town.

In the forenoon of the following day, Edward drew up his army on an extensive field adjoining to the nunnery, and gently sloping towards the river and town ‡; and, with the usual ceremonies, publicly conferred the honour of

* *Scoti—congregati, per turmas suas sparsim separati.* Hem. Edward's letter, above quoted, also mentions some hired foreigners whom the Scots had in their army, *ac etiam aliis exteris conductitiis.* Rym. ii. 887.

† Trivet and Walsingham copying him, very absurdly take this nunnery for that at Coldstream.

‡ The circumstance mentioned by Hemingford, of the king's moving his camp, after the conditions he offered were rejected, agrees with Fordun's account of the king's removing his tents, after encamping for some time *about* (circa) the town; that is, near the wall and ditch on its west and north side; for the natural site of the town did not admit of its being invested. Fordun farther relates, That Edward brought back his army, furnished with banners and colours, resembling those of the Scots; and, according to another Scottish writer, some of Robert Brus's men had been sent from the English army into the town to promote the deceit, by pretending that they were come to give advertisement of a great aid that was sent from Baliol their king, and was following them at a small distance. And soon after, Edward's army appearing with the well-known ensigns of Scotchmen, those in the town opened their gates, and many went forth to meet them; and thus the English poured into the town, and massacred all in their way, without distinction (say the Scottish writers) of age or sex. Perhaps the English authors have thought it more for their king's honour to conceal this stratagem; but the circumstances which they relate, compared with the situation of the town, and its environs of land and water, give some degree of probability to Fordun's account. The muster of Edward's army was on the declivity, and hanging ground at the foot of the east end of Halidown Hill, in full view of Berwick castle, and of the adjacent high parts of the town.

Early

of knighthood on Henry Percy and many others. This muster of the army, and display of many banners, being made in full view of a fleet of Edward's ships, then lying in the road before the river's mouth, the men on board believed that the king was preparing instantly to assault the town. Ambitious of having a part in this enterprise, and favoured in their attempt by the seting in of the tide, they boldly entered the river's mouth, and sailed towards the haven. *Three* of them ran a-ground; and being fiercely attacked by the garrison, the crews were partly killed, and partly escaped in boats, or by swimming; but the ships were burned, and the rest of the fleet were glad to retire by the assistance of the ebbing tide.

John Baliol, K. of Scotland. 1296.

Trivet, vol. iv. p. 289.

The whole progress of this enterprise, and especially the flames and smoke of the burning ships, were clearly seen from the field on which the king had drawn up his army. Edward was desirous to assist and save his fleet; and the opportunity favouring an assault on the land-side, while the attention and efforts of the defenders *of the place* were employed on the side next the river and sea, he ordered his army immediately to march up to the town, and force their way into it. The defence of the town, consisted, at that time, only of a ditch and barricade of boards. Through these the English army made their entrance with very little difficulty; and the garrison and inhabitants astonished with the suddenness of the event, and overwhelmed with superior numbers, were slaughtered without resistance. The only opposition that was made, was by thirty Flandrian merchants, who held out a strong tower, called the Red Hall (*a*), till the evening; when fire being set to it, the building was consumed, and those within it. In the attack of this tower was slain a valiant knight (*b*), brother of the earl of Cornwall; a lance being pushed through his eye into his head, as he was raising it up towards those who fought from above. In this

Hem. i. 90.

March 30th.

(*a*) The Flandrians are said to have received this place on condition that they should constantly defend it againſt the king of England. (*b*) And, according to Trivet, the only knight who was loſt in this aſſault.

Early in the morning, or in the night before, Edward might, unobſerved from the town or caſtle, detach a great part of his army over the hill towards Scotland, which marching on the north of the hill, towards the ſea, might make a turn, and come along the tops of the ſea-banks to the town; in which way of approach, a great part of their progreſs could not be ſeen from the place where the Engliſh army was drawn up: and might be readily ſuppoſed by the garriſon not to have been noticed by that army, while taken up with their muſter, and thus the deluſion ariſing from the appearance of the Scottiſh enſigns might be confirmed. But ſuppoſing this circumſtance to be a fiction, it would ſeem, that the beſt account that can be given of Edward's moving his camp (in relating which, Fordun and Hemingford agree), and of all that followed, was, That Edward removed his army to the neighbourhood of the nunnery, in order to his ſending from thence a detachment over the hill, unobſerved by thoſe in town, which detachment might approach it in the way already mentioned; and that to favour this approach, by carrying the whole attention of the people in the town and caſtle towards different objects, he made the muſter of his army on the ſide of Halidown-hill; and perhaps, at the ſame time, gave orders to his ſhips, to enter the mouth of the river.

Fordun gives ſome monkiſh verſes, deſcribing the ſtratagem by which Berwick was taken.

Hic villæ turmas caute ſtatuit perimendas
Cujuſdam fraude, qui ſemper erit ſine laude.
Vexillum cujus cives decepit et hujus
Nomen ſiletur comitis, ne fraus iteretur.
Cives belando ſic vicit marte nefando.
M ſemel et bis Cnovies X ſex ſimul adde
Villa ſuper Tuedam, Berwicum nomine, prædam
Anglis inimica dedit, heu! male fraude ſubacta.
Hoc in Aprilias quarto die eſſe Kalendas.

Edward I. K. of England. 1296.

general carnage, above eight thousand are said to have been killed *; among whom were all the gentry and fighting men of Fife. On the same day the castle was surrendered by its captain, William Douglas; and the king slept in it on the ensuing night. The garrison of the castle consisted of two hundred men, to whom Edward granted their lives, limbs, and estates; and allowed them to depart, with their arms, after swearing that they would never thenceforth wield them against the king and kingdom of England; but Douglas was kept a prisoner *in the castle*, until the conclusion of the present war.

Hem. 91. Fordun.

Hem. i. 91, 92.

All the males belonging to the town being slain, the women were, some days after, sent into Scotland. The king continued † fifteen days in the town; and in order to fortify it against future assaults from the side of Scotland, caused a vast ditch to be dug through the neck of land between the sea and Tweed, eight feet broad, and forty feet deep. On the *the 5th of April* there came to Edward at Berwick, sent from the king of Scotland, Adam Blount, guardian of the friar minors at Roxburgh, with three of his monks attending him, and delivered to Edward the renunciation, or reddition of the homage of Baliol their king. The instrument of this renunciation, which Edward ordered to be registered ‡ in the rolls of his chancery, bears, That Edward and others of his kingdom had committed many and grievous wrongs and outrages against Baliol himself and his subjects; that Edward had most unreasonably vexed him, by citing him on the frivolous suggestion of any plaintiff, to appear

Rymer, vol. ii. p. 707.

* Fordun calls them seven thousand five hundred, as does also Winton. Fordun, adds, That the streets ran with blood two days; and in such quantity, as sufficed to make mills go. Ford. l. 11, 20. Boethius calls them about seven thousand; and says that mills were actually set a going with their blood. Matthew Westminster says, That all were slain without distinction of sex, except a few, who afterwards abjured the town; and that the number of slain was said to be sixty thousand. Westm. ad Ann. p. 427. For so small a place, eight thousand was a great number. Knighton makes the number of slain seventeen thousand four hundred and seven, p. 2480.

In the instructions of the regency and council of Scotland to their procurators at Rome in 1301, five years after this event, it is said, That after taking the then noble town of Berwick, the king and his army committed the most barbarous cruelties on the inhabitants; who, to the number of almost eight thousand persons, were slain without distinction of character, sex, or age. The churches afforded no protection to those who fled into them; and after being defiled by the blood of the slain, and spoiled of all their ornaments, it was most notorious, that the king and his followers made stables of them for their horses. Ford. l. 11. c. 54, 55.

This carnage may be ascribed to resentment of the cruelties committed last year by those of Berwick on the English sailors and merchants, and also to a view of striking terror into the Scots for the sake of preventing future resistance. It was also the custom of war in those days, to commit such destruction in storming towns.

† Probably xv. in Hemingford is a wrong reading for xxv.; for the king was at Berwick on the 24th of April, as appears from two papers in Rym. p. 708, 709, bearing date there on that day. These papers notify Edward's consent to a cessation of arms with France until the ensuing Christmas, if the king of France should also agree to it; in order to pave the way for treating of a truce, which the bishop of Albano, a cardinal, had come from the Pope to solicit, and had followed the king to Berwick on that errand. It is probable, that the king's stay at Berwick was protracted by his reception of this cardinal, and negotiation with him. Several other papers relating to this truce, are dated at Roxburgh, on the 12th and 14th of May. Rym. p. 709—713.

‡ This letter is said, in the record thereof published by Rymer, to have been compared and copied on the 26th of April, in the house of the Carmelite friars at Berwick in presence of John Langton, the King's chancellor, William Hamilton, archdeacon of York, and Robert Galbi, a notary public. The letter hath no date; a circumstance noticed by Hemingford.

before

before him, out of his own kingdom; that he had iniquitously seized castles, lands, and possessions belonging to the king of Scotland, and his subjects, within the kingdom of England; that he had forcibly taken, or protected those who had taken their goods, both by land and sea; had killed merchants, and other inhabitants of Scotland; violently carried away Scottish subjects into England, and detained and imprisoned them there; that the king of Scotland had often in vain demanded the redress of these injuries; which Edward was so far from granting, that he had now, with a vast army, come to the Scottish frontiers, to expel himself and his subjects from their inheritances; and having actually entered Scotland, had, by land and sea, perpetrated the most cruel hostile deeds; all which Baliol being no longer able to bear, and resolving not to remain in that fealty and homage, which had been extorted from him by violent oppression, but openly to oppose himself to Edward, in defence of himself and his kingdom, he *returned** by the present letters the fealty and homage performed by himself, or by any of his liege subjects, on account of the lands they held of Edward *in England*, or of any other *engagement that bound them to him.*

John Baliol. K. of Scotland. 1296.

The Scottish army that invaded England in Easter week, after returning to their own country, marched along the border to Jedburgh; which was more than half of the way from Carlisle to Berwick. But not thinking it prudent to hazard a battle with Edward by approaching nearer; and still hoping to divide his forces, by obliging him to send part of them to protect his own dominions, they made a new invasion from the castle of Jedburgh into the country, on the other side of the mountains; where, after besieging the castle of Harbottle two days, they were obliged to leave it, with the loss of some of their men. They advanced thence into Redesdale and Tindale, burning and laying waste the country in their way, and committing horrid cruelties on the wretched inhabitants †. Thay destroyed Corbrigg, burned the town, monastery and church of Hexham, also the nunnery of Lameslay; and had advanced to Lanercost in Cumberland, when, being alarmed with a report of the approach of the king of England's army, they returned to their own country, through the forest of Nicolai, on the sixth day from their setting out, carrying off with them a great quantity of booty.

Hem. i. 93.

April 8th.

All this while Patrick earl of Dunbar ‡, was attending and serving Edward with a great body of his vassals. But his countess, who resided in the castle of Dunbar, improved the opportunity of her husband's absence, to gratify

Hem. i. 94, 95, 96.

* The returning of homage by the person that owed it, arose from the feudal idea, that the dependance into which the superior received his vassal, was a favour and gift that the former conferred on the latter.

† Edward's letter to Boniface in 1301, describes these cruelties, probably with some exaggeration; he says, the Scots inhumanly destroyed an innumerable multitude of his subjects, burnt monasteries, churches, and towns, with an unpitying and savage cruelty; slew infants in their cradels, and women in child-bed, barbarously cut off some women's breasts, and burnt in a school, whose doors they first built up, about two hundred young clerks, who were learning their first letters and grammar. Rym. ii. 887.

‡ *Cum Comes Patricius, qui vulgariter dicitur Counte de la Marche, potenter fideliterque Regi nostro militarit.* Hem.

This earl of Dunbar was called *Patrick with the Black Beard.* Lel. i. 540.

her

Edward I. K. of England. 1296.

her own passion for her country and abhorrence of the English yoke, by making an offer of delivering up the castle to the leaders of the Scottish army on the borders. This was so important an acquisition, that the three earls of Ross, Athol, and Monteith, with four barons, and a select number of knights and gentlemen, were sent to accept of the offer; who expelled those who held the place for the king of England, not without the slaughter of some of them *. Edward, on receiving intelligence of this event, immediately dispatched the earl of Warrene with a great body of his best troops to lay siege to the castle; and the garrison being soon reduced to straits, obtained a cessation from hostilities for three days, in order to their sending a messenger to their king to inform him of their situation, and to receive his orders about terms of capitulation. But the place and persons within it were of so much consequence, that Baliol resolved to hazard a battle for its relief. The Scottish army is said to have consisted of 40,000 foot and 1500 horse; and were probably encouraged to give the English battle by the great superiority of their numbers. As soon as they appeared descending in martial array over the hill against Dunbar, which was on the third day after the message was sent to Baliol, Warrene, notwithstanding his greatly inferior numbers, having left the servants of their great men of his army mixed with some soldiers to block up the place, advanced with the rest of his forces to meet the Scots. The English in descending towards a valley and marching over it, being obliged to break their ranks, their enemies imagining they were flying, expressed their exultation by a hideous noise of blowing their horns and howling. But when the English emerged from the hollow and advanced up to them in good order, all this noise was turned into silence and in the sharp conflict that followed, the Scots were soon broken †. The English pursued their scattered foes the space of seven or eight leagues, almost to the forest of Selkirk, and slew in the pursuit about 10,000. Next day, Edward came in person before the castle ‡, and it was surrendered to his mercy. Besides the three earls abovementioned, there were taken in it four of the rank of barons, thirty-one knights, and an hundred esquires, also two clerks §; who were all committed to close imprisonment in different castles of England.

April 27th, Friday.

The

* Mat. Weſtminiſter, p. 427. ſays, that the Scottiſh army on their return from England, with the lord Robert Ketingham, whom the king of France had that year knighted, laid ſiege to the caſtle of Patrick earl of Dunbar, which the garriſon treacherouſly ſurrendered on St. George's Eve, i. e. 22d of April.

† Sir Patrick Graham, a noble and renowned knight, diſdaining to fly, fought till he was ſlain. Fordun ſays, it was believed, that the earls of Athol and Mar, who were always of the party of Robert Brus, abandoned the field on purpoſe to give the victory to Edward; hoping that he would conquer the kingdom for their friend Brus. Ford. l. 11. p. 25. One of the MS'S. of Fordun, ſays, that this battle was fought near a place called *Spot*.

Heming. i. 97.

‡ According to Knighton, Edward moved from Berwick to Coldingham, on the Friday after St. Mark's Day, being the 27th of April, in his march towards Dunbar.

§ The three earls were, William earl of Roſs, William earl of Athol, Alexander earl of Monteith; the barons, John the ſon of John Comyn, William St. Clair, Richard Syward, John the ſon of Geoffry de Mowbray. The two clerks were, John de Somerville and William de St. Clair.

Ford. Heming.

Fordun

The defeat at Dunbar was a fatal blow to the Scots; as it at once deprived them of counsel and courage; almost all their fighting men fled to the other side of the Frith of Forth, (called by the annalists of that time, *The Scottish Sea*,) excepting those who garrisoned the castles of the southern provinces. It was Edward's next work to reduce these castles, before he advanced farther into the kingdom. Returning therefore from Lothian, and coming before the castle of Roxburgh, it was immediately surrendered to him by its governor James Steward of Scotland, on condition of safety to the lives, limbs, lands, and goods, of the governor and his garrison. The castle of Jedburgh was also about the same time yielded to him; and the king tarrying some days at Roxburgh, appointed a keeper of that castle with its town and sheriffdom, and also a keeper of the castle, town, and shire of Berwick, and of the castle of Jedburgh with the forest of Selkirk *. Robert Brus † earl of Carrick was, by a commission given him at Roxburgh, empowered to receive to the king's peace and obedience the inhabitants, whether English or Scots, in the marches of Annandale and parts adjacent; and his son had the same commission for the county of Carrick. While the king remained at Roxburgh, a supply of 15,000 men came to him from Wales; upon which he sent home about the same number of Englishmen, who had suffered most from the fatigues of the expedition.

John Baliol, K. of Scotland. 1296.

Rym. ib. p. 714. 716, 717.

From Roxburgh Edward marched to *Edinburgh* ‡, and being well provided with the great wooden engines used at that time in sieges, he took the castle in eight days. Proceeding to Stirling, he found it abandoned, and was joined there by a fresh army from Ireland, consisting of 30,000 foot and 400 horse, commanded by the earl of Ulster. When he came to Perth, where he kept with great solemnity the feast of the Nativity of St John the Baptist, the patron of that town, messengers came to him from John Baliol, imploring peace. This, on the part of the king of England, was negotiated by Anthony Bec bishop of Durham, who gave a meeting in the castle of Brechin to Baliol and some of his

Hem. i. 98.

June 24.

Fordun says, that many knights and barons fled from the battle to the castle of Dunbar, into which being received, being in all seventy knights, besides famous esquires and other brave men, together with William earl of Ross and the earl of Monteith, they were delivered as to slaughter by Richard Suard or Seward keeper of the castle. He adds, that Edward caused them all immediately to be put to different kinds of deaths. This last circumstance does not agree with the verses which are given by that author on this battle, vol. ii. p. 166, in which it is said that the captives were imprisoned.

Ford. l. 11. c. 25.

Anno prædicto cepit rex agmine stricto,
Castrum de Dunbar; fraus fraudi non fuit impar.
Quo multi capti fuerant et carcere trusi.
Hoc post in Maias quinto die esse kalendas, &c.

* The governor of Roxburgh, &c. was Walter Tonk; of Berwick, Osbert de Spaldington; and of Jedburgh, Thomas de Burnham.

† These commissions to the Bruses seem sufficiently to confute the story told by the Scottish writers, that after the victory at Dunbar, Robert Brus, the elder, came to the king of England, requesting him to fulfil the promise he had formerly made, of giving him the kingdom of Scotland; to which Edward answered with disdain, Have we no other business than to conquer kingdoms for you? Whereupon Brus, full of indignation, retired to his lands in England, and appeared no more in Scotland. Ford.

‡ *Ad castrum puellarum, quod Anglice dicitur Edensburgh.* Hem.

nobles.

Edward I. K. of England. 1296.

nobles. The unhappy prince could obtain no better terms than an absolute resignation of his kingdom, and the submission of himself and his nobles to the king of England's will. The instrument of this resignation published by Rymer, is written in French, and dated at Kincardin on the second of July *. It contains an acknowledgement of the offences which, through wrong counsel and his own weakness, Baliol had committed against Edward, while in his homage and fealty; his league with France; the defiance and renunciation of his homage to Edward; the sending of his subjects to commit all manner of hostilities in England; and his fortifying the towns and castles of Scotland against the English king, thereby deforcing his fee. On which account Edward, having entered Scotland with his strength, had conquered and seized it as a lord might in justice do with his fee, upon the vassal's renouncing his homage and behaving as Baliol had done. Wherefore Baliol, being fully in his own power and acting with perfect freedom, surrendered to Edward his whole land of Scotland, with all its inhabitants and all their homages. Baliol gave at the same time to Edward, his eldest son as an hostage; and both father and son were soon after sent by sea to London, where they remained more than three years in custody.

Rym. ib. 718. Hem. i. 100. Hem. i. 99.

Edward marched north from Perth to Aberdeen †, and thence to Elgin in Murray, receiving the submission of all in his way, and meeting with no resistance. Judging it unnecessary to proceed any farther, he turned back towards Berwick, where he had summoned his parliament to assemble on the twenty-third of August: and, as he passed by Scone, he ordered the chair on which the Scottish kings used to be inaugurated, called the *Fatal Chair*, to be removed to London, as a monument of the conquest and resignation of the kingdom. The Scottish writers add, that he industriously sought out, and destroyed or carried away everymonument of the antiquity and independency of the nation.

Hem. i. 100.

The parliament met at Berwick upon the appointed day, and persons of all ranks from the different quarters of Scotland resorting to it, renewed their fealty to Edward, and their renunciation of their late alliance with the king of France against him; which fealty and renunciation they confirmed by their oaths and their letters patent, the record whereof, drawn up by a notary, filled

* The form of this resignation, though its substance is the same, is, in Fordun longer, and in a very different style. It is dated July the 10th, without mention of a place. The French copy in Hemingford, the same with Rymer's, is dated at Brechin, July 10th. So is Walsingham's Latin copy.

According to the account of this surrender of Baliol given by Edward's procurator, when he delivered Baliol to the Pope's nuncio, in 1299, Baliol was only assured of the safety of his life and limbs, but not of his liberty, *vita et membris, absque corporis incarceratione tantummodo sibi salvis*: Rym. ii. 848. The Scots pleading the cause of their independency at Rome in 1301, affirm, that Edward having violently seized Baliol's person and kingdom, and at the same time compelled his chancellor to deliver up his great seal, did, as was said, after Baliol and his son were sent prisoners into England, cause the letters of the above resignation to be forged, and afterwards published them to the inhabitants of Scotland, although they never were nor should be ratified by Baliol, *quas nunquam postea ratas habuit rex noster nec habebit*. Ford. l. 11. c. 63.

† While the king moved northwards, the bishop of Durham leading the way, was always day or two's march before him. Hem. ib.

a roll'

a roll consisting of thirty five-five skins of parchment, which is still preserved in the English archives. In consequence of these new engagements, the sheriffs of the several counties were commanded to restore to * abbots, priors, and other ecclesiastical persons, their lands, houses, and corns, that had been seized for the king. The sheriffs had orders to restore the like possessions to widows, whose husbands had been dead before the alliance of the Scots with France, and who were not since married to the king's enemies; with a reserve of those women's castles, which were to be disposed of at the pleasure of the guardian of the kingdom. The guardian had also orders to assign certain annuities out of the estates of some of those who were carried prisoners by the king into England, for the maintenance of their wives.

Interregnum in Scotland.

1296.

Rym. tom. ii. p. 723. Prynne, iii. 665.

Rym. tom. ii. p. 726, 728.

After receiving the engagements above recited from his new subjects of Scotland, the king proceeded to settle the government of that kingdom. He appointed John de Warrenne earl of Surrey to be guardian of it during pleasure; who, by virtue of his charge was entitled to enter all the castles and fortresses of Scotland, and to remain and be entertained in them as long as he pleased. Orders were also given to the sheriffs and all other persons within the adjacent English counties of Northumberland, Cumberland, and Westmoreland, to aid and obey Warrenne as governor of Scotland, in every thing requisite for the security and defence of that kingdom. Henry de Percy†,

A. D. 1297.

Rym. ib. 726, 731.

* In the list of religious persons and houses restored, published by Rymer, there is in proportion a greater number situated in the counties nearest Berwick, and particularly in Berwickshire itself, than in the more remote places of Scotland. The heads of convents and hospitals in the Mers that obtained such letters of restitution, were, the abbot of Dryburgh, the prioresses of Eccles, and St. Bathan's, the master of the hospital of St. Leonard's of Lauder, and the house of St Augustine of Seggedin, and in the town of Berwick the order of Trinity and Captives, and the master of the hospital of St. Mary Magdalen *extra* Berwick. Letters of Restitution were also given to the following persons; Adam Lamb of Poulesworth (Polwarth) Henry de Lamoton of Duns, Henry de Strivelyn of Upsetlington, and ten others. In Roxburghshire, the like benefit was granted to the abbots of Kelso, Jeddworth, and Melros, and to the master's of the hospital at Jeddworth, of St. Mary at Rutherfurd, and to William guardian (custos) of the hospital of St. John of Hoton (perhaps Heaton), and to several parsons. The orders for restitution to churches are almost all addressed to the sheriffs of the counties where the churches were situated; but the property of religious houses lay often in many different counties, and this made the orders for restitution to them necessary to be directed to the sheriffs of all these counties. For instance, orders for restitution to Melros, were directed to seven Scottish sheriffs, and also to the sheriffs of Northumberland, and Cumberland. The abbot of Alnwick appears in this list to have had property in the shire of Berwick. The very extensive property of the military orders of the temple and St. John appears in it, from the former having orders for restitution on twenty-seven sheriffs, and the latter on twenty-four. There are likewise in this list, orders of restitution on the the sheriffs of Berwick and Roxburgh, to several widows, whose names are mentioned. The widows who had orders for their restitution on the sheriff of Berwick alone; were, Alice the wife of Philip Haliburton, Mariot of Benedict le Clerk, Helen of Stephen Papidei, Mary the wife of Philip de Keth, Joan of Thomas of Est-Nesebyte, Petronilla of William de Vepont, (de Veteri ponte) Margery of Adam Gurdon, Sarah of Duncan del Glen. Those who had orders for restitution on the sheriff of Roxburgh, were Mary the wife of Alexander Synton, and Rosa of Adam Dolfyn. Both counties are in this list several times mentioned along with others.

† His mother Eleanor was sister to the earl of Warrenne. Henry himself was the ninth in descent from William Percy, who came over from Normandy with the Conqueror, and received from him a grant of many lordships, of which the greatest part were situated in Yorkshire: Topcliff in the North (*Riding*), and Spofford in the West Riding, being long the chief seats of this family. Dugd.

Edward I. K. of England. 1297.

Warrenne's nephew, being appointed keeper of the country of Galloway and sheriffdom of Air, the sheriffs and inhabitants of the adjacent counties of Cumberland and Westmoreland, received orders to give the like obedience and assistance to Percy in the province assigned to him, as to his uncle in his more extensive charge. To these guardians were joined, for administering the civil affairs of the kingdom, Hugh Cressingham treasurer, Walter de Agmondesham chancellor, who had the keeping of a new seal, in room of that which was surrendered by Baliol at Brechin, and broken, and William de Ormesby chief justiciary. The officers who used to serve the kings of Scotland by ancient custom or hereditary right, the magistrates of towns and the keepers of the lesser fortresses, were, on making their submission to Edward and taking the oaths he required, almost all continued in their offices.

For l. l. 11. c. 27.

An exchequer for receiving the king's rents and taxes from Scotland, at least from the southern provinces of it, constituted on the * model of that at Westminster, was established at Berwick. Walter de Huntercombe, a man of extensive property in Northumberland, being apppointed keeper of the castle of Edinburgh, together with the sheriffdoms of Middle, East, and West Lothians, was ordained to account for the revenues of them at the exchequer at Berwick, and when a new keeper (John de Hodleston) was, in the year following, appointed for the castles and counties of Galloway and Air, the sheriffs in these provinces were ordained to answer for their issues and revenues in the same exchequer. Out of this exchequer payments were also ordered of royal grants; as appears from a remarkable one made by Edward, before he left Berwick, to testify his devotion and gratitude to St. Cuthbert. He ordered 40*l.* to be paid annually to the prior and convent of Durham, to be expended in Alms, and in feasting the monks on the two annual festivals of their tutelary saint; to maintain also a mass priest, and to furnish wax candles to burn before the shrine and banner of the saint, while mass was celebrating. The payment of the abovementioned sum out of the Berwick exchequer was to be continued, until the prior and convent of Durham should receive from the king and his heirs an ecclesiastical benefice in Scotland, that produced a clear annual revenue of equal amount with the sum now granted.

Rym. tom. ii. p. 731, 793

Rymer, ib. 730.

Edward's conquest of Scotland was not followed with that establishment or insrease of submission and obedience, on the part of his English subjects, that might have been expected from so great an addition to the power of their sovereign. His clergy, headed by Winchelsei archbishop of Canterbury, in a parliament held in November, at St. Edmundsbury, refused to pay the double tenth demanded by the king, for aiding him to defray the expence incurred by the late Scottish war, and also to prosecute the war wherein he was still engaged with France. The clergy pretended to justify their refusal by a bull which Pope Boniface VIII. had issued in the preceding February, exempting all clerks from exactions imposed by laick magistrates; and those of the province of Canterbury persisting obstinately in their refusal, the king put them out of his protection, and soon reduced them to extreme distress, by seizing

Triv. p. 290.

* This circumstance appears from an order of Edward to his barons of exchequer, dated at St. Edmundsbury Nov. 16. Regni. 24. Maddox Hist. Exch. p. 550.

all

all their possessions. This refractory behaviour of the clergy was soon followed by a resistance from a great party of the lay-barons, that proved much more formidable and obstinate. The heads of this party were, Humphry Bohun earl of Hereford, constable, and Roger Bigot earl of Norfolk, mareschal of England. These nobles refused to pass over into Gascogne, at the king's desire, retired from the parliament with a great body of armed attendants and followers, and hindered the king's officers from raising, within their estates, certain impositions, which they esteemed exorbitant and illegal.

Interregnum in Scotland. 1297. Feb. 24.

These domestic difficulties did, in a great measure, deprive the king of the advantage he hoped to reap in carrying on his war against France, from a strait alliance he had concluded in the beginning of the year with the counts of Holland in Flanders; to the former of whom, John, he gave his daughter Elizabeth in marriage. In the course of the summer, the earl of Flanders being reduced to extreme distress by the prevailing arms of the French king, and the English constable and mareschal continuing still mutinous and obstinate, Edward found it necessary to receive into favour the archbishop of Canterbury; whom he had not been able by his severities to bend to his will. To this prelate, in conjunction with Reginald de Grey, he intrusted the care of his son, whom he left guardian of the realm on his passing over to Flanders in the month of August.

It is most probable that Edward's strife with his clergy and nobles at home, and the continuance of his war with France, gave encouragement to the Scots to entertain thoughts of throwing off the English yoke. Historians also mention other circumstances as conspiring to prompt them to this attempt. Warrenne the guardian being advanced in years, and thinking the air of Scotland hurtful to his health, had retired into the north of England. Cressingham the treasurer was rapacious and proud; Ormsby the justiciary rigid and imperious. Orders had been given to the latter to adjudge to exile those who refused to swear fealty to the English king. These judgments Ormesby gave; but Warrenne is said to have been remiss in carrying them into execution. It is reasonable to think, that the extreme weakness to which the Scots were reduced by the losses they sustained at Berwick and Dunbar, their almost universal submission to Edward, in his parliament at Berwick, and the captivity of their chief men in England, might lead those Englishmen who had the administration of the affairs of Scotland, to the errors and excesses which they are said to have committed: but it must at the same time be acknowledged, that the relaxation of lawful authority, and the public disorders of all kinds, which had prevailed in that kingdom since the death of Alexander III. joined to the general aversion of the people to the yoke of their new masters, could scarce fail to produce discontents and murmurings against their governors, although these had exercised their power in the most unexceptionable manner.

Hem. i. 118.

But perhaps these resentments might not have broke forth into any open or dangerous resistance, and in time might have been wholly smothered by superior force, if the Scots had not found a leader wonderfully accommodated

Edward I. K. of England.

1297.

to their temper and circumstances, in the person of Sir William Wallace *, second son of Sir Malcolm Wallace of Ellerslee. This man was under a sentence of outlawry, on account of his refusing to swear fealty to Edward; or, as the Scottish authors say, on account of his having slain, while yet in early youth, a young Englishman † of noble parentage, who insulted him. His stature and strength was gigantic, his aspect and address pleasing and popular ‡; and he was equally renowned for subtlety and art in devising military stratagems, and for prowess in executing the most dangerous achievements.

Buch. Ford. l. 11. c. 28.

Blind Harry passim.

His first associates were fellow-outlaws; in conjunction with whom he committed many deeds of violence on the persons and estates of Englishmen who were settled in Scotland. The fame of exploits so pleasing to his countrymen, being every where diffused, quickly increased the number of his followers; and the situation of affairs in England favouring the hopes of a revolution, many were tempted to violate their faith to Edward, and to join their bold and successful countryman in his efforts to throw off the English yoke. Among

* In Walsingham's partial account of Wallace's beginnings and progress, he is said, upon the Scots chusing him for their leader, to have received the order of knighthood (*cingulum militiæ*) from a certain earl. Walf. Hist. p. 90. Nisbet in his Heraldry, vol. i. p. 286, says, that Wallace was the son and heir of Sir Malcolm.

According to blind Harry, who sung Wallace's exploits about the middle of the fifteenth century, Sir Malcolm was slain by the English at Lochmaben, fighting on his knees, after his hams were cut; and also his eldest son Malcolm. Sir W. W. p. 2. 11. His mother was daughter to Sir Ranald Crawford of Loudoun, and sister to another Sir Ranald Crawford sheriff of Air.

† This, according to the poem, was the son of Selby constable of Dundee.

‡ The description of Wallace, in blind Harry, which he says was given of him by the Frenchmen who had seen him in their country, is as follows: Sir W. Wallace, b. ii. p. 281.

Wallace stature of greatness and of height
Was judged thus by discretion of sight,
That saw him both on Cheval and in Weed
*Nine quarters* large of height he was indeed.
F. In. Third part that length in shoulders brode was hee,
6 11¼ Sc. ell 37 inches Right seemly strong and lusty for to see;
In limmes great, with stalwart pace and sound,
His brands hard, with armes long and round;
His hands made right like to a palmeir,
Of manlike make, with nails long and cleir.
Proportioned fair and long was his visage,
Right sad of speech, and able of courage.
Both Breasted high, with sturdy craig and greet,
His lips round, his nose square and neit.
(a) Palpebræ. Burning brown hair on brows and *brees* (a) light.
Cleir asper eyes like diamonds full bright.
Under his chin, on his left side was seene,
(By hurt) a wan, his colour was sangueene.
Wounds he had in mony divers place,
But fair and whole well keeped was his face.
Of riches alls he keept no proper thing,
Gave that he wan like Alexander the king,
In time of peace meeke as a mind should bee,
When war approached the right Hector was hee.
To Scotsmen right and good credence he gave,
But known enemies they could him nought deceive.

the

the first of the persons of eminence in Scotland who joined Wallace, was Sir William Douglas * late captain of Berwick castle; who, after swearing fealty to Edward, had been restored by him to his liberty and estate. These two, about the end of June, when the earl of Warrenne had gone to the English parliament, led so formidable a band towards Scone, that Ormesby, the English justiciary, who was holding his court there, hearing of their approach, fled away in great haste, leaving his goods for a prey to Wallace and his followers. About the same time, Robert Brus the younger, earl of Carrick, James Steward of Scotland, with his brother John, and some other persons of eminence and interest, joined the party of the successful insurgents, and committed all sorts of violence against the English in the western counties of the south of Scotland.

Interregnum in Scotland.

1297.

Hem. 118, 119.

Edward, directing all his thoughts and preparations towards his expedition into Flanders, where his presence was greatly necessary, and probably receiving for a while, imperfect accounts of the disorders in Scotland, from those who had the charge of that kingdom, seems to have neglected these disorders too much and too long. Most of the persons of highest rank and power in Scotland were his prisoners in England. Many of these persons he had released from their confinement, upon their finding sureties for their fidelity and engaging to accompany him into Flanders; and some of them he suffered to return to their own country, for the sake of providing arms and attendants for this expedition. But being at last alarmed with accounts of the growing strength and successes of Wallace and his accomplices, and fully assured of a dangerous insurrection by the bishop of Durham, whom he had sent to inquire concerning it, he issued his orders to the earl of Warrenne to chastise and suppress the rebels without delay, and for this service to call forth all the militia of England to the north of Trent.

Rym. tom. ii. p. 775, 776, 782.

Hem. i. 121.

Warrenne sent before him his nephew Henry Percy and the lord Robert Clifford, who entering the west of Scotland with the forces of the nearest English counties, came up with a Scottish army commanded by the great chieftains abovementioned near Irwin †. The great superiority of the English horse, the dissensions of the Scottish leaders among themselves, and the desertion of Sir Richard Lundi to the English, determined the earl of Carrick and the other commanders, with the concurrence of the bishop of Glasgow, to surrender themselves to Percy and Clifford, on condition of their past excesses being

July 9.

Rym. tom. ii. p. 774.

* He was, according to Home of Godscroft, the seventh lord of Douglas, brother and successor to Hugh, and father of James. Edward gave him in marriage, for a second wife, the daughter of William de Ferrars earl of Derby, who was nearly related to the royal line of Scotland; her mother being the eldest daughter of Roger de Quinci earl of Winchester, begotten on the daughter of Alan lord of Galloway and Margaret of Huntington. By this lady he was the father of Archibald lord of Galloway, who was progenitor of the earls of Douglas and Angus. Godsc. Crawf. in Gest. Vall. Lord William's first wife was a daughter of lord Robert Keith, who bore to him his immediate successor the lord James. See below, p. 206.

† Trivet, and Walsingham following him, mention Wallace as one of the commanders of this army: the other three they make the bishop of Glasgow, Andrew Moray, and the Steward of Scotland. In the printed copy of Trivet, Andrew Moray is confounded with the Steward of Scotland.

Triv. p. 300 Walf. Hist. p. 70.

pardoned,

Edward I. K. of England. 1297.

pardoned, and of safety to their lives, limbs and estates; they, on their part, giving hostages for their future loyalty. The English commanders accepted of this surrender, on condition that the terms of it should please the king, whose earnestness to embark for Flanders induced him to ratify these terms before he set out; Warrenne having transmitted them to him from Berwick.

Wallace, who did not join in this submission, had by this time drawn the English almost entirely out of the north; and the wonderful successes of this champion, joined to Edward's departure from England, which soon followed the above-recited submissson of the Scottish nobles, made these slow in fulfilling their engagements. Warrenne being at Berwick with an English army, and pressing the delivery of the promised hostages, pretences were found for delays; and when the English General threatened hostilities, they laid the blame of their delays on the Lord William Douglas and the bishop of Glasgow; who, to confute this accusation of falsehood, surrendered their persons to the English General, and were committed to custody, the former in the castle of Berwick *, and the latter in that of Roxburgh.

Hem. 124. Triv. 300. Walf. 70. Hem. 124.

Warrenne leading his army from Berwick towards Stirling against the rebels, the Steward of Scotland, the earl of Lennox, and some other Scottish nobles, pretended to use their influence to bring Wallace and his followers to submit to the English; but their endeavours were ineffectual, and by the English suspected to be insincere. Wallace hearing of the approach of the English, abandoned the siege of the castle of Dundee or of Cowpar, and waited for his enemies on the north side of the river Forth, over against Stirling, nigh the abbey of Cambuskenneth. Warrenne and Cressingham, or the former giving way to the presumption and impetuosity of the latter, had the temerity to make the English army pass the Forth over the narrow wooden bridge of Stirling; which gave Wallace the advantage of attacking the part that passed first, while it could not be supported by that which was left behind. The consequence was, the destruction of several thousands that got over; together with Cressingham, who hazarded himself along with them. Sir Marmaduke Twenge, a stout and valiant knight, was almost the only person who fought his way back through the Scots; and to him Warrenne intrusted the keeping of the castle of Stirling, promising him speedy succour. Warrenne himself retired with precipitation to Berwick †; and thence soon passed into England, to give an account of the state of Scotland to the prince and regency ‡.

Hem. i. 124. 125—130.

Sept. 11. Wednesday.

Cressing-

* According to some accounts, Douglas died in prison in Hog's Tower in Berwick. Other accounts say, he was sent from Berwick to Newcastle, and thence to York; where he was kept close prisoner in the castle until his death in 1302, and was buried in a little chapel at the south-end of the bridge, which hath gone wholly to decay. Godf. Crawf. ap. Gest. Vallæ. Ed. 1705.

† Forgetting his old age, says Hemingford, he returned to Berwick with so much haste, that the horse which he rode being put into the stable of the minor friars, never more tasted food.

‡ Edward had appointed Bryan Fitz-Allan guardian of Scotland, Aug. 14. (Prynne iii. 687.) but had at the same time required Warrenne by no means to leave that kingdom, until the state of it was settled. Perhaps Warrenne, offended at being displaced, gave way to Cressingham's proposal of leading the army over Stirling-Bridge, with the view of destroying it; and perhaps Cressingham, knowing that Warrenne was removed from his office, was the more bold in pressing an immediate attack of the rebel Scots, however dangerous; Cressingham representing it as necessary for saving the

Cressingham's extortions made him so odious to the Scots, that having found his dead body in the field of battle, they flayed it; and cutting the skin in pieces, distributed it amongst them *. It is ascribed to Cressingham's immoderate passion for hoarding, that he had not executed the orders given by the king, to build a stone wall along the side of the new ditch which had been dug for the defence of Berwick. The English inhabitants being, through this neglect, incapable of resisting an assault, and at the same time left without a head, did all abandon the place, and retire into their own country, carrying along with them all their moveables. The Scots soon † took possession of the town, wholly evacuated; but the castle was so strong and so well defended, that they were not able to reduce it.

Interregnum in Scotland. 1297. Hem. 130, 131.

The panic excited by the approach of the Scots was instantly communicated to the Northumbrians, who fled with their families and goods to Newcastle and the southern parts; but Wallace, either from design, or retarded by the opposition of Patrick earl of March ‡, who continued faithful to the king of England, and defended his province and castle of Dunbar, did not enter Northumberland until some weeks after the battle of Stirling §. By this delay the Northumbrians were encouraged to return to their habitations; of which the Scots receiving information, suddenly crossed the march, and spreading themselves through all the country, from the *Forest of Rothbury*, as a center or head quarters, they killed many, and collected great spoils. The

Hem. 131, 136. Ford. l. 11. c. 29.

Oct. 18. St. Luke's day. Hemingf.

Hemingford.

the king's money. The circumstance of Edward's ordering Warrenne not to leave Scotland till he had quashed the rebellion, appears from an original in Rym. ii. 794. Hemingford also relates, that the Lord Henry de Percy had raised, in the counties of Carlisle and Lancaster, an army of three hundred horse, and eight thousand chosen foot, with which he was advancing towards Stirling; but Cressingham, thanking him for his diligence, ordered him to dismiss his men; saying, that the army they had was sufficient, and that the king's treasure ought not to be consumed without necessity.

Hem. p. 127.

* Hugh Cressingham was a clergyman, rector of Ruddeby, chief justiciary in the York assizes, and prebendary of many churches; who, although he had the cure of many souls, yet never put on spiritual armour or the clerical garb; but instead thereof, the helmet and breast-plate, wherein he was at last slain. Hem. i. 129.

† *Vacuam et quasi scopis mundatam.* Hem. 131.

The person sent by Wallace to seize Berwick, was Henry Haliburton a Scottish knight, Lel Coll. i. 541.

‡ The life and acts of Wallace by blind Harry, relate, in the eighth book, how Wallace *put Corspatrick* (a name probably of contempt given to the earl of Dunbar in this poem) *out* of Scotland, though assisted by Bec bishop of Durham and Robert Bruce. Earl Patrick's castle of Dunbar was given by Wallace to the keeping of Cristal (*i. e.* Christopher) of Seton, one of Wallace's heroes. Wallace is said to have cast down all Patrick's places, and particularly his twelve steeds, that were called (*a*) *Methamis*, which the poem calls *barely Buildings bold, both in the Mers, and also in Louthiane, except Dunbar, standing he leaved nane*, p. 182. The earl is said to have provoked Wallace, by disobeying his summons to attend a convention held at St. Johnstown, and by calling him, in contempt, *the king of Kyle*, p. 171.

(*a*) Not in Douglas's Glossary, Is it from *Meith* or *Meth*, bound, mark?

§ Fordun, and the other Scottish historians relate, that a principal reason of Wallace's invading England was, an extreme dearth and scarcity (*b*) that prevailed in Scotland, arising from inclemency of weather, joined to the calamities of war. He is also said to have led into England, in this expedition, all the fighting men of Scotland between sixteen and sixty, obliging them to follow him under pain of death; which was inflicted on the obstinate, by hanging them up on gallowses, erected for this purpose in every barony and considerable town. Ford.

(*b*) Walsingham, describing the year calls it *peruria frugum illaudabilis*, p. 74.

priests

Edward I. K. of England. 1297.

priests and monks of all orders flying for their lives, with the rest of the inhabitants, there was an entire *cessation of public worship* through all the country between Newcastle and Carlisle. The Scots continued to burn and plunder, at their pleasure, all over the country, till Martinmas; meeting with no opposition or disturbance, except when in the neighbourhood of the castle of Alnwick and other fortresses; the garrisons of which (sometimes) sent forth parties to attack the rear of the marauders, or to pick up their stragglers. The Scottish forces being all united at Martinmas, during the eight days that followed, marched to the city of Carlisle, which refused a summons to surrender; and made such preparations for a resolute defence, as determined the invaders to turn away from it, and to employ their strength in laying waste all the neighbouring country (*a*). Being about to enter the county of Durham, they were driven back by a terrible storm of frost, snow, and hail, wherein many of them perished by hunger and cold; which was ascribed to the seasonable protection given by St. Cuthbert to his own people. They thence marched over to Newcastle; but the garrison there shewing the same spirit as that of Carlisle, the invaders, after having spread a great panic to the south of the Tyne, by burning the village of Ryton, made a division of their spoils, and returned to their own country *.

(*a*) Viz. the foreſt of Inglewood, Cumberland, and *Allendale* (in Fordun Allerdale) as far as Derwent at Kokermew, *i. e.* Cockermouth.

Hem. i. 136, 137.

This invasion of the Scots was, in part, revenged by an inroad made into Annandale, in December, by the lord Robert Clifford with the forces of Carlisle and Cumberland. Several places were burnt and spoiled in this inroad, and a considerable number of Scots slain and taken prisoners: and the English, in a like expedition in the same quarter, about the beginning of Lent, took the town of Annan; and, after spoiling it, burnt it, together with the church.

The general revolt of the Scots, with their great success at Stirling, and the imminent hazard of their invading England, had determined the English regency to call a parliament; for which writs were issued six days after the battle of Stirling. To this parliament the earls Constable and Marshal, with their adherents, came; and commanded all its proceedings by the multitude of their followers, and by the inclination of the archbishop and others who acted for the king, to assist the malcontent barons in limiting the regal power. These barons obtained from the prince regent, and his counsellors, the pardon of all

* Wallace, in the courſe of this expedition, was two days at Hexham, and gave a protection, dated Nov. 7, to the prior and convent for their perſons and poſſeſſions; in which letters of protection, Andrew Murray, who is named before Wallace, concurs; and the two are intitled the *commanders* (duces) *of the army of the kingdom of Scotland, in the name of John King of Scotland, by the conſent of the community of that kingdom.* Hem. p. 135. In a grant of the conſtabulary of the caſtle of Dundee, &c. made by Wallace to Alexander Skirmiſcher, the bearer of the royal ſtandard of Scotland, dated at Torphichen March 29, 1298, Wallace is entitled *Cuſtos Regni Scotiæ & ductor exercituum ejuſdem.* If he had been advanced to the dignity of *cuſtos*, when at Hexham, he would certainly have taken the title; and the name of Andrew Murray would not have been put before Wallace's. It is therefore probable that this dignity was conferred upon him after his return from his expedition into England about the beginning of the year 1298. The old poem places the election of Wallace to be *warden* (perhaps it is meant only of the marches) after the battle of Biggar, and in a place called the Foreſt Kirk, p. 125. But there is no chronology, and probably but ſmall ſtrictures of truth in this poem.

Ann. Dipl.

past

past offences, a ratification of the great charter and charter of forests, with some additional articles; and particularly that most valuable one, That no talliage or aid should thenceforth be imposed on the kingdom, without the assent of the prelates, nobles, knights burgesses, and other free men. On condition of the royal assent to these claims, both clergy and laity granted aids for the war with Scotland.

Interregnum in Scotland. 1297.

Edward finding himself necessitated to swallow these hard terms, notified from Flanders his assent to them. At the same time he ordered a parliament to meet at York, on the 14th of January, and the nobles who had refused to accompany him into Flanders, to be ready at that time, with their forces, to march against the Scots, under the command of Warrenne, whom he appointed his lieutenant for that service. The king also sent letters to the great men of Scotland, requiring them, upon their fealty, to attend this parliament on the pain of being held as public enemies, *if they did not.*

Nov. 5.

The parliament which met at York on the appointed day, and in which Warrenne represented the King, was attended by the Constable and Marshal, with their friends and followers. The royal confirmation of the charters, together with the new articles, was, for the satisfaction of all, publicly read; and the bishop of Carlisle fulminated excommunication against all violaters of them. But the Scots neither coming nor sending to this assembly, it was resolved, that eight days thereafter there should be a general muster of all the English forces at Newcastle, and that they should march immediately from that place against their enemies.

A. D. 1298. Jan 14. Hem. i. 144. 145. Triv. 311.

The number that appeared in the muster at Newcastle, was 2000 excellent armed horse, more than 1200 light horse, and above 100,000 foot, including the Welsh; which numbers were considerably augmented, as the army was on its march towards the Scottish frontiers. The Scots, who had been long besieging the castle of Roxburgh, which they were the more earnest to recover from their desire of restoring to his liberty the bishop of Glasgow, who was a prisoner detained there, upon hearing of the approach of so great an host, soon raised the siege. The English army coming to Roxburgh, brought a most welcome relief to their countrymen in the town and castle; and passing over the Tweed to Kelso, marched thence to Berwick, which they found totally deserted by the Scots, as it had been by the English a few months before; and the garrison of the castles, which the Scots had blocked up, or besieged, received the same seasonable relief with that of Roxburgh.

Hem. i. 145. Triv. 311.

From Berwick it was the purpose of the general, and the other chiefs accompanying him, to march into Scotland against Wallace's army. But, about the beginning of Lent, a knight arrived with letters from the king to Warrenne and the other chiefs, informing them of a truce he had concluded for *two years* with the French king*; and because he was resolved to be with them

* This truce was concluded at Tournay, on the laft day of January, and the two kings agreed by it to fubmit their differences to the arbitration of the Pope, *as a private perfon,* Rym. tom. ii. p. 819.

Edward I. K. of England. 1298. Hem. i. 146.

them in person, as soon as possible, requiring them to attempt nothing of moment against the Scots before his arrival; but if they could possess themselves of the town of Berwick to tarry there till he came. On receiving these orders, they chose fifteen hundred out of the whole number of their armed horse, and about twenty thousand of their best foot, that had come from Wales and the more remote parts of England, dismissing all the rest until the coming of the king; and with this small army they continued in Berwick, waiting his arrival; and in the mean time maintained a diligent watch against their enemies.

Hem. i. 158. 159. Triv. 311. Walf. Hift. p. 75.

About the middle of march, Edward arrived in England from Flanders. When he was about to embark at Hardenburgh (near Slyeys in Flanders) the Scots who had accompanied him in the expedition almost all deserted him and went to Paris. Edward summoned a parliament to meet at York on Whitsunday; and there he again required, in the most peremptory terms, the attendance of the great men of Scotland. His nobles came thither to him from Berwick, but no Scotchmen appeared. The general rendezvous of his forces was at this parliament appointed to be at Roxburgh, on the day after Midsummer.

Hem. i. 159. June 25.

The army, on the appointed day, being assembled and mustered at Roxburgh, consisted of three thousand men at arms, four thousand light horse, and about eighty thousand foot, who were almost all Welsh and Irish. Many also afterwards arrived from Gascony, whereof there were five hundred gens-d'armes, with excellent arms and horses. Some of these were sent to garrison Berwick, and remained there till after the battle of Falkirk.

The English earls, Constable and Marshal, gave a new specimen at Roxburgh of their jealousy of Edward, and of that undaunted resolution with which they asserted their own rights and those of their countrymen against so great a monarch. They refused to accompany him farther into Scotland, unless he would give them some new security of his observing the charters and additional articles; alleging some grounds of suspicion, that he intended to evade his engagement, on the pretence of his having given it while in a foreign country. To remove this scruple, the king authorized the bishop of Durham, together with the earls of Warrenne, Gloucester, and Lincoln, to swear on his soul, that upon his returning victorious, he would give full satisfaction in this matter.

The army then advanced into Scotland by moderate marches, wasting and destroying every thing on their way. Having come to a place called *Templehiston* *, situated on the water of Cramond, they encamped there several days, expecting a supply of provisions on board of ships that were to come about *from Berwick;* but these ships being detained almost a month by contrary winds, the English army began to be greatly distressed by scarcity of victuals.

Triv. 312.

Rym. tom. ii. p. 804.

*Two years.* So say the hiftorians; but the treaty itself shews that it was only for a year, or rather somewhat less, being till the morrow of the Epiphany next ensuing. Soon after the treaty at Montreuil, on the 27th of the following June, the Pope prolonged the truce or *sufferentia* a year longer, *i. e.* till the Epiphany in 1300.. Rym. ib. 849.

* Is not this Kirk Liston?

The

The Scots were encouraged by this to draw together a mighty army, in the expectation that the English exhausted by famine, would prove an easy prey. But three days before the Scottish army drew near, the long-expected vessels arrived; and Edward's forces were thereby put into a better condition for encountering their enemies. In order to this, they made a march of about twelve computed miles; and in a battle fought at Falkirk entirely defeated the Scots with great slaughter, the loss on the part of the English being very inconsiderable. The commanders of the Scottish army in this battle were, Sir William Wallace guardian of the kingdom, John Comyn of Badenoch, and John Steward of Bute, brother to James Steward of Scotland. The Scottish writers relate, that these three commanders strove about the honour of leading the van; which Comyn and Steward, men in birth, name, and estate, far superior to Wallace, thought it a disgrace to yield to him; while Wallace, on his part, with his usual undaunted spirit, asserted the prerogative of his high office. During this dispute the English advanced. Comyn with *his* part of the army fled; and Wallace, with *his*, retiring a little from the place of action, looked on, while Steward and almost all his followers were cut off *. And soon after the battle, Wallace, seeing it impossible to contend with the envy and malignity of the Scotch nobles, laid down his charge of guardian, and is never afterwards mentioned in any genuine record, as bearing chief command in the sequel of the wars with the English.

Interregnum in Scotland.

1298.

Ford. 11, 31, 84.

Edward, on the fourth day after the battle, came to Stirling, which the Scots in their flight had burnt. He staid there fifteen days, in a convent of Dominican friars, to recover a hurt he had received by a stroke from his horse, on the morning of the day of the battle of Falkirk. A party of his army, sent northwards, wasted the country, and burnt Perth and St. Andrews. He caused the castle of Stirling to be repaired and victualled, and put a garrison into it. After he had recovered his strength, he went to Abercorn; where his ships lay that brought provisions to the army from Berwick. Thence

Joh. Maj. l. 4. c. 15.

* The account given by the Engliſh writers of this battle, is very different from that of the Scots. According to the former, the Scottiſh ſpearmen were drawn up in four cloſe bodies of a circular form, called *Schiltrones* (*a*), the ſpaces between theſe being filled with archers; and the horſe, who were but few, being placed in the rear. They had alſo a lake or marſh before them, which obliged the Engliſh to make a compaſs, in order to begin the attack. The Scottiſh horſe inſtantly fled; but the reſiſtance of the foot was conſiderable. They were at laſt broke by the Engliſh horſemen, aſſiſted by their archers on foot, and by others of their footmen, who threw round ſtones, whereof the field of action afforded great plenty. The rout was general, and according to Hemingford, there fell of the Scots fifty thouſand. He mentions the death of the brother of the Steward of Scotland; who after having drawn up the archers that came from the foreſt of Selkirk, accidentally fell from his horſe, and was ſlain among theſe archers; and round him were ſlain ſome men of extraordinary beauty and ſtature (*elegantis formæ & proceræ ſtaturæ*) called by the Scotch writers *Brandans*. Of the Engliſh only one perſon of note was killed, Bryan Jay maſter of the Templars. Trivet ſays, his fellow maſter of the order in Scotland, fighting along with Jay, was alſo killed. (Triv. 313.)

Hem. p. 164, 165.

(*a*) Shiltrum is a word uſed by Barbour in deſcribing the battle of Bannockburn,

For Scotſmen, that them hard aſſayed,
That then were in a ſhiltrum all. p 268 l. 100.

Alſo in p. 257, three different times. It ſeems to denote one compacted body of fighting men.

Edward I. K. of England. 1298.

he marched westwards, probably with a view to complete the reduction of the southern part of Scotland. Robert Brus, on the king's approach, deserted and burnt his castle of Air; but an expected supply of provisions not arriving on the western coast in due time, the English army suffered great scarcity. Instead therefore of entering Galloway, as was proposed, Edward marched to Carlisle through Annandale, and in passing had the castle of Lochmaben surrendered to him.

Sept. 15. At Carlisle the king held a parliament, in which he gave grants or promises of the forfeited estates and honours in Scotland to his English nobles. The earls Mareschal and Constable, not yet cured of their discontents, nor chusing to attend this parliament, obtained license from the king to go home, on pretence of the great loss and fatigue of their men and horses, in the expedition into Scotland. The king went from Carlisle to Durham, intending to proceed thence to the southern parts; but hearing that the Scots were again collecting their forces, he turned back to Tynmouth and continued there till near Christmas; and having kept that festival at Cottingham near Beverly, he returned by short stages to London.

By the truce concluded between Edward and Philip in the preceding January, their differences were referred to the arbitration of the Pope, as to a

June 27. private person, who in the end of June gave his award, appointing Edward to marry Margaret the sister, and his son to marry Isabel the daughter of the French king. These marriages were considered as a solid foundation of a peace and the matters in dispute were to be adjusted by a negociation carried on by

A. D. 1299. the delegates of each prince under the Pope's direction. An English parliament held in the beginning of Lent approved of the Pope's award; and in a treaty concluded at Montreuil about the middle of summer, all differences of moment between the kings were settled; those that remained being still referred to the Pope.

In consequence of this last agreement at Montreuil, John Baliol was freed from the imprisonment wherein Edward had so long detained him. The king of France had demanded his enlargement as his ally, soon after the truce concluded at Tournay; but the king of England alleging he was not named in that treaty among the allies of France, refused to deliver him: and

Triv. 311. Walf. Ypod. Neuft. 490. this refusal was, by the king of France, accounted a good reason on his part for detaining the friends or vassals of the king of England, who had fallen into his hands. But the Pope having been applied to on this head, required that Baliol should be given up to him, and that his Nuncio the bishop of Vicenza should receive him at Witsand near Calais, to dispose of him according to his master's orders. The delivery of Baliol was accordingly made to the Nuncio by De Burgh constable of Dover castle, the procurator for Edward in this affair; who declared that the conditions of this delivery were,

Rym. vol. ii. p. 848. that the Pope should only have power to decide concerning Baliol's person, and the lands he formerly held in England; but should have no power to decide concerning the kingdom of Scotland, or its appurtenances, in favour of Baliol himself, his heirs, or any claiming by whatever connexion with him, on which terms the bishop also declared he received him.

In

Interregnum in Scotland.

1299.

In the former year, while Edward was yet in the north, he had issued a summons to his military tenants to be at Carlisle on Whitsun-eve, to accompany him against his enemies of Scotland, and to put those to whom he had given, or should afterwards give lands in that kingdom, in possession of these lands; but by a proclamation in the beginning of May, he adjourned the term of rendezvous till the day after Lammas, on account of the important negotiation depending with France, which required his vicinity and attention. After this was concluded at Montreuil, he was still detained by his marriage with Margaret of France, which was celebrated at Canterbury in September; and notwithstanding the season was so far advanced, the king two months after, came to a parliament which he had assembled at York, and proceeded thence to Berwick, where he had appointed a rendezvous of his forces.

Sept. 26. Rym. ii. 828. 829.

May 7. Prynne, iii. 809.

Sept. 10.

Nov. 11

The principal view of this expedition was to relieve the castle of Stirling*, which was blocked up by the Scots, and reduced to extremity by want of provisions: but his nobles who came to Berwick, refused to accompany him into Scotland, on account of the severity of the winter season and impassable roads. They also gave as a reason for not gratifying the king in what he had so much at heart, his own failure in his engagements with regard to the national charters. Edward was therefore obliged to send orders to his garrison, to surrender his castle on the condition of safety of life and limbs, and remained at Berwick till the Christmas festival was over. While Edward was at Berwick, a letter was sent to him from the guardians † of Scotland appointed by the estates of that kingdom, in name of John their king, and of the said estates, acquainting him, that the king of France had lately intimated to them, that, at his request, Edward would for a certain time cease from all hostilities against the kingdom of Scotland, which was also confirmed to them by John duke of Bretagne, the king of France's ambassador in England; on condition that the Scots should desist from all hostile attacks on the kingdom of England. They therefore made an offer of such cessation on their part, and to comfirm it by letters under their common seal; provided that Edward should, by his letters patent, returned by the bearer of the above message, declare his approbation of the proposed suspension. What return was made by Edward to this letter of the Scots, doth not appear, nor is the term of the proposed truce mentioned in it; but Edward's return from Berwick without doing any thing against the Scots, may be as probably ascribed to his consenting to the proposed truce, as to the causes mentioned by historians.

Triv. 316. Hem. i. 170.

Rym. vol. ii. p. 859.

The liberties of England were still gaining ground by the continuance of the war with Scotland, the barons availing themselves of the king's need of their service in that war, to obtain from him renewed confirmations and enforcements, and even extensions of the great charter and charter of forests. In a parliament which was called by the king while at Berwick, and which

A. D. 1300.

* Matthew of Weſtminiſter ſays, that the garriſon left by the king in this caſtle conſiſted of 60 archers. He mentions ſeveral particulars of their bravery, and of the great ſtraits to which they were reduced, and ſays that they ſurrendered the caſtle to John de Soulis. Weſtm. ad ann. p. 445.

† Theſe were, William Lamberton biſhop of St. Andrews, Robert de Brus earl of Carrick, and John Comyn the ſon. Their letter was dated from Forreſtaldel Torre, Torwood, Nov. 13.

met

Edward I. K. of Scotland. 1300. Hem. i 171. Walf. Hift. 78.

met at London in Lent, considerable additions were made to former securities given for the observation of these charters, and some new articles, for the farther protection of the subjects against oppressions of the king's ministers or officers, were established. It was not however till about the following Midsummer, that Edward set out on a new expedition into Scotland. He entered it this year, by the way of Carlisle and the western march. He first re-took the castle of Lochmaben, and then marched into Galloway. A petition was there presented to him by the nobles of Scotland, requesting him to suffer John Baliol to reign in peace over them, and to allow the great men of Scotland to redeem their lands from those to whom Edward had granted them. Their adding, that, if these things were refused, they would defend themselves to the last extremity, had not the least influence to procure a favourable answer. Soon after, at a place called Swin, a numerous host of Scots appeared in the neighbourhood of Edward's army; but the king with his son and nobles advancing towards them, they soon broke, and fled to their hills and woods, suffering no considerable loss, because the English with their heavy armour were not able to pursue them *. Edward afterwards advanced to Kirkcudbright, having taken the castle of Caerlaverock, and some other places of strength.

Auguſt 26. Rymer ii. 844. Prynne, iii. 878.

His progress in this expedition was stopt by a mandate of the Pope, brought to him by Winchelsei archbishop of Canterbury, who, on this and many other occasions, shewed himself a better subject to the Pope than to his king. After overcoming great difficulties in his journey, he came to Edward near the abbey of Duzques † in Galloway, with a letter from Boniface, requiring him to desist from hostilities against Scotland, to recal his officers from that kingdom, and to set at liberty the bishops and other clerks of Scotland whom he had detained in custody; founding his title to make these requisitions not only on his pontifical authority, but chiefly upon the right of direct sovereignty that the see of Rome had, even in temporals, over the kingdom of Scotland ‡. By virtue of this new discovered right, he required Edward to submit whatever claim he pretended to have to the whole or any part of the kingdom of Scotland, to the decision of the Roman see; and for that purpose to send his commissioners within six months to the presence of the Pope, furnished with his evidences and arguments, that a definitive judgment might

* Mat. Weſtminſter ſays, that four hundred of them were killed; and Walſingham ſays, that on this occaſion, the Welsh would have been of great ſervice in following the fugitives through marſhes and over hills.

† *Juxta novam abbathiam de Duzques.* Walf. Dufquer. Weſt. The memorandum endorſed on the bull itſelf, according to Prynne, bears, that it was delivered by the archbiſhop to the king at Carlanoks, (certainly a wrong reading of Carlavock, i. e. Carlaverock) in Scotland. Prynne, 883.

‡ If the pleadings of the Scotiſh council, by their agent at Rome, in the following year, are to be credited, the Scots had at Norham, in 1291, affirmed before Edward, that the Roman church was ſovereign of the Scottiſh kingdom, which allegation the king of England would not admit, but ſpoke contemptuouſly of it in the preſence of many; ſaying, If that Roman prieſt could ſay any thing for the liberty of Scotland as a dominion belonging to him, he ought to come to London and plead it there in his preſence. Ford. l. 11. c. 53, 58.

be

be given according to right. The regency of Scotland had, in the former part of this year, sent Baldred Bisset archdeacon of Lothian, and William de Eglesham *, to Rome, to represent to the Pope their grievances from Edward, and to implore his fatherly aid. The English writers say, that the Scottish envoys employed the powerful engine of money, to give force to their supplications and arguments. But the calamities suffered of late by the Scots, must certainly have left them little to bestow; and it is more probable, that they prevailed with the Pope and his consistory by the suggestion that Scotland was a fief of the see of Rome. John Baliol, now in the Pope's power, would readily assent to this ridiculous claim; and Boniface himself, elated with his character of arbiter between the French and English monarchs, and still retaining sequestered in his hands the dominions of Edward in France, was tempted to assume an authority which none of his predecessors ever thought of. Edward's answer to Winchelsei was, that he could not give up the ancient possessions of his crown, nor determine in what concerned the state of his kingdom, without first consulting his parliament, a meeting of which he would soon hold for that purpose. But, either chusing to avoid the inconvenience of incensing the holy father, or embracing a pretext for putting an end to an expedition, which the scarcity of provisions was like to render unsuccessful, he left Scotland in a few days, and dismissed his army. He also soon after released the bishop of Glasgow from his imprisonment, having first received from him renewed engagements of allegiance and fealty, accompanied with circumstances of the greatest solemnity †. This was done at the abbey of Holmcultram in the beginning of October; but, in the end of that month, the king was again in the Scottish march, for he then granted a truce to the Scots ‡ until the ensuing Whitsunday, on the request of the French king,

Interregnum in Scotland.

1300.

Ford. l. 11. c. 56.

Mat. Weſtm. p. 439.

Oct. 7.

Rym. ii. 567.

Oct. 30.

Rym. ii. 868.

* Theſe meſſengers were ſent, according to Fordun, by John de Soulis, as the chief of the guardians, (*tanquam cuſtodum primus*) with the concurrence of his partners (*aſſiſtentibus compariibus*), and the prelates and barons of the kingdom. Biſſet, in the end of his memorial, preſented to the Pope in the following ſummer, ſays, that king John, by his deputy, poſſeſſed the whole kingdom of Scotland, except three or four caſtles on the borders. This deputy was John Soulis, whom, according to Fordun, Baliol, after he was freed from his impriſonment in England, aſſociated to John Comyn. He adds, that Soulis, by want of neceſſary firmneſs and rigour in his adminiſtration, fell into contempt, and retired to his maſter in France.

They had before endeavoured, in vain, to avail themſelves of the reference that was made in 1208, by the contending monarchs, of their differences to the Pope, pretending that, as allies of Philip, their differences with Edward ſhould fall under the cogniſance of this arbiter. Prynne, iii. 888.

† His oath upon the body of our Lord, the croſs neyte, and black rood of Scotland, in preſence of the biſhop of Carliſle, the abbot of Holmcoltram, De Barres, and De Mouney, envoys from the French king, the friars Wynterbourn and Ingeram, confeſſors to the king and queen of England, and ſeveral others. Rym. ib.

‡ This ſufferance was notified by Edward, with orders to obſerve it, to Patrick de Dunbar earl of March, Simon Fraſer Warden of the foreſt of Selkirk, Robert de Manleye (Manley) lord of Dritton, John Bourdon ſheriff of Berwick upon Tweed. The date of this notification was the ſame with that of the truce. And on the Monday after All Saints, the French envoys being at York, notified the ſame truce to John de St. John knight, who had the charge of the march of Scotland towards Galloway under king Edward; and to Adam Gurdon knight, who had the charge of the parts of Scotland, on that ſide not ſubject to Edward, under the governors of the kingdom of Scotland.

who

Edward I. K. of England. 1300.

who declared that he made this request, not as an ally of the Scots, but as a friend and an amicable composer of strife. This message of Philip was brought by De Mouney a clerk and De Barres a knight, who seem to have consumed a good deal of time in the negociating of this agreement between Edward and the Scots; the abovementioned envoys being in the list of witnesses to the bishop of Glasgow's oath of fealty, which was given more than three weeks before the date of the truce.

Ford. l. 11. c. 37.

Rym. ii. 873. A. D. 1301.

The parliament called by Edward to consult concerning the requisition and claim of the Pope, met at Lincoln on the twentieth of the following January. To give the greater weight to the judgment of this parliament, the king caused the most eminent lawyers of his clergy, and of both universities, to be sent up to it. Religious houses and societies were also required, to search their archives, and send up their chronicles, for giving light to the present question.

Pryenne, iii. 885. Rymer, ii. 873.

This assembly, after mature deliberation, did, agreeably to Edward's desire, write, in their own names, a letter to Boniface, affirming in the strongest manner, the undoubted right of sovereignty which the crown and kingdom of England had over Scotland; and to screen their king from the imputation of contempt of the holy father, they declared, that they, as the guardians of the just rights of the crown and kingdom of England, and as bound by their oaths to maintain them inviolate, would never consent or permit that their king should answer judicially before the Pope concerning those rights. The number of barons in the address of this letter is an hundred and four, who all put their seals to it, for themselves and the whole community of England. Edward at this parliament did farther gratify his people, by settling on a permanent and equitable footing, the extent and boundaries of the royal forests.

May 7. Rym. ii. 883. 888.

About three months after, he sent two knights to the court of Rome, with a long letter, wherein the grounds of his claim to the sovereignty over Scotland were set forth in an historical detail, consisting of nearly the same particulars, but more concisely narrated than those that were laid before the Scottish nobles ten years before in the convention at Norham; and the events since that time were added, which made Edward, as he pretended, the undoubted sovereign of Scotland, not only by property but possession. In the beginning of this letter Edward declares, that he did not mean by it to acknowledge the Pope as a judge in the cause, but merely to inform his conscience. This epistle, with Edward's other evidences, were by Boniface's order, put immediately into the hands of the Scottish procurators, who having transmitted copies of them to the nobles and council of Scotland, soon received in return large instructions, containing the evidences of the independency of Scotland, answers to Edward's allegations, and proofs on the other side. To all which materials, Bisset gave a more concise and methodical form, accompanied with some reasonings in a memorial he presented to the Pope *.

Ford. l. 11. c. 46. 57.

Ford. ib. c. 56, 68.

With regard to the king of England's letter to the Pope, the observations made above, on the evidences of his sovereignty over Scotland, that were laid before the convention at Norham, are also applicable to this letter, in what it

* This memorial in Fordun is entitled, *Processus Baldredi Bisset, contra Figmenta Regis Angliæ.* contains.

contains concerning things which preceded that convention. As to the subsequent transactions, Edward in his letter gives a brief recital of them, placing them in that light which best served to vindicate his own proceedings. Several particulars from this account, which either illustrate certain events, or make some addition to what is found in other memorials of the times, are inserted above in their proper places; as are also some things from the instructions sent by the Scots to their procurator Bisset, and from his memorial. These instructions and memorial, give us a view of the ideas which the Scots at that time entertained of the antiquities of their country and long line of their kings. By their fables and dark traditions concerning these things, they endeavoured to overthrow the fables and traditions of the other side. When they came down to the times of history, their accounts, though containing some things worthy of attention *, are in the main very defective and erroneous; indicating a great penury of genuine history or memoirs of their nation. They complain, that Edward, together with the famed ancient chair of their kings, had carried away the monuments contained in their public archives, of the liberty and independency of their kingdom, so that they were deprived of the best means of readily proving their rights; and this his violent subtraction of the evidences against him, they argued to be a strong presumption of the injustice of his cause †. Some of the writings that Edward carried away, have been found in the archives of England; and these writings, together with other original papers in those archives, and the relations of English historians, of many of which, accounts have been given above in their proper places, are the best, or rather only authentic evidences relating to this question.

Interregnum in Scotland. 1301.

Innes, Crit. Eſſay, 613, 705 710.

Ford. l. 2. c. 207.

Some endeavours on the part of the king of France to settle with Edward the peace of Scotland in the spring and beginning of summer having failed, and the truce granted at Dumfries expiring at midsummer, Edward first sent a body of forces into Scotland, under his son the prince of Wales, and soon after led thither another body himself. His successes in this campaign, are not particularly recorded; but to secure what he had acquired, and more effectually to distress his enemies, he resolved to pass the winter in Scotland; where through the rigour of the season and want of forage, a considerable number of the horses of his army were lost.

Rym. ii. 881, 883.

Carte, 284.

The negotiations between France and England for the full re-establishment of peace being still continued, and Philip the French king still acknowledging John Baliol as king of Scotland, and Baliol himself and his subjects of Scotland, as the allies of France; a truce was concluded at Asniers, and ratified by the king of France on Christmas Day, by which a cessation from hostili-

Rym. ii. 893.

* Among theſe it is worthy notice, and belongs to our ſubject, that it is aſſerted to be notorious and doubtful to none, that from time immemorial, criminals flying from England into Scotland, or contrariwiſe, found in either caſe a place of refuge moſt perfectly ſecure, and equally ſo on each ſide. This is affirmed to refute an aſſertion in a letter of Pope Gregory IX. to Alexander II. of Scotland, a copy of which Edward had, along with his own letter, ſent to the Pope. See above in ann. 1234, 1249.

† Yet they ſay, they believe, that the tenor of theſe inſtruments, as well as the ſubtraction of them made by Edward, could ſtill be proved by living witneſſes. Ford. l. 2. p. 207.

Edward I, K. of England. 1301.

ties was agreed upon, until the first of November in the following year. The lands, heritages, and all immoveable things, which the king of England had seized in Scotland, since the time that the king of France sent certain envoys *, who without success had sought from Edward a cessation of hostilities against the Scots, were, during the truce now concluded, to be sequestered into the hands of the king of France. Possession of them was to be given to that king fifteen days after Candlemas. The duke of Burgundy †, or earl of Albemarle, by themselves or such deputies under them, as were not notoriously suspicious, were to hold the castles, fortresses, courts of justice, and government of the said lands, in the king of France's name; and if peace was not re-established at the time of the expiration of the truce, every thing was to be restored to the English king. This king had given his envoys ‡, who negociated this treaty, powers to grant in his name, under a certain form, a sufferance to the Scottish nation: and although he expressed his dissatisfaction with these envoys for admitting Baliol to be called in the treaty the king of Scotland, or the Scots to be called the allies of France, yet the treaty being brought to him at Linlithgow where he had kept his Christmas, he ratified it there §, and soon after set out for England. Edward in this treaty excepted out of the number of his allies the earl of Flanders, who had been reckoned among them in all his preceding truces with France, which seems to have paved the way for the king of France deserting in the same manner Baliol and the Scots, in the treaties of truce and peace which he afterwards concluded with England.

A. D. 1302.

The following year, although it gave some respite to the Scots from the ravages of open war, was productive of events very unfavourable to them. The army of the French king under Robert count d'Artois, received a great overthrow at Courtray in Flanders; and an expedition which the French king soon afterwards made into that country, was unprosperous. Hence it became necessary for him to terminate, if possible, his differences with Edward, who on his part, improving the advantage given him by Philip's distress, did, in a new truce ‖ which he made with him, soon after the expiration of the former, prevail to have the Scots left out. Their patron Pope Boniface also forsook them; for that proud prelate having entered into a bitter strife with Philip, which not long after terminated in his own destruction, found it expedient to court the

July 11.

Nov. 25.

Rym. ib. 913.

* L'Abbe de Compeign, Mons, Aubert de Hangeft, et Meftre, F. de Flavigni.

† The Duke of Burgundy did not accept of this charge, as appears from his letter of excufe extant in the French archives, Carte, p. 284. From authorities in the fame collections, it appears, that John de Soulis governor of Scotland under Baliol, with the prelates, nobility, and communities of that kingdom, accepted of this truce on February 23, and according to P. Daniel and Du Tillet, it was alfo ratified by Baliol himfelf.

‡ Their commiffion is dated at Donypas the 14th of October. Rym. ii. 891, 892.

Prynne, iii. 874.

§ It is faid in the title of this truce, as publifhed by Prynne, that the Engliſh envoys were reproved not only by the king himfelf, his prelates, and nobles, but alfo by the community of the kingdom, for having allowed the king and people of Scotland to be comprehended in the truce, on the part of the king of France, by virtue of the confederacy formerly concluded between the forefaid kings of France and Scotland.

‖ Two days before this truce, November 23, John Baliol gave full powers to Philip, to order all his affairs with the king of England. MSS. Brienne, N. 34. quoted by Carte, ii. 286.

friendship

friendship of Edward, by abandoning a people which he had taken such strong steps to protect against that monarch. In the end of this summer, he wrote letters to the bishop of Glasgow * as the chief offender, and to all the other bishops of Scotland, charging them with being the incendiaries of the war with England, and requiring them, in virtue of the obedience they owed to the head of the church, to return to the ways of peace and concord.

Interregnum in Scotland.

1302. Aug. 13. Rym. ib. 904, 905.

After the expiration of the truce concluded in the former winter, Edward sent a new and strong body of forces into Scotland under John de Segrave, whom he appointed guardian of that kingdom and governor of Berwick. Segrave about the beginning of Lent, marched with a strong body of horse to the neighbourhod of Edinburgh, and having no apprehension of any enemy near him, had, for the sake of an easier supply of forage and victuals, separated his forces into three divisions, which were some miles distant from each other. John Comyn regent of Scotland, and Simon Fraser a potent baron of Tweddale, having collected a small army in the neighbourhood of Biggar, marched thence in one night to Roslin; and early in the succeeding morning, made a sudden attack † upon the most advanced division of Segrave's army, where Segrave himself was present. This part of the English army, after a valiant resistance, was put to the rout, Segrave himself sore wounded and taken prisoner, several of his knights were also made prisoners, and Ralph Comfrey ‡ paymaster of the English forces slain. According to the English writers, Robert Neville, who commanded another party of the English at no great distance, came up with the Scots, repulsed them, and rescued Segrave and other prisoners; but the Scotch writers relate, that their victorious countrymen engaged successively two bodies of English no less numerous than the first, and by continued efforts of irresistible prowess, overthrew them both, although their own number was less than a third of the army of English which they had destroyed. It is probable, that the Scots improved the circumstance of the English losing two such considerable persons as Segrave and Comfrey, to magnify the advantage they gained in this action: nor is it unlikely, that in the accounts of the English, the loss they sustained was very much diminished, as well as enhanced by those of the Scots. One thing is certain, that in the remainder of this war, there is no account of any other action of moment *in the field* between the Scots and their conquerors.

Hem. 197. Triv. 336. Walf. Hift. 86. A. D. 1303.

Walf.

May 20, at Paris. Rym. ii. 923.

A short continuation of the truce between England and France, terminated in a treaty of perpetual peace and alliance §, by which the Scots were cut off

* The fubmiffion of this biſhop and his oath of fealty was not renewed to Edward, or at leaſt his temporalities not reſtored until March 5, 1304, when he gives his recogniſance of holding them of the king, at Cambuſkenneth. Rym. ii. 918.

† This conflict, according to the Scotch writers, was on St. Matthias's-Day; according to the Engliſh, on the firſt Sunday of Lent; and the latter ſay, that Robert de Neville and his party having been attending maſs that morning before they engaged with the Scots, had their piety rewarded by loſing no lives, nor receiving any dangerous wounds in the fight.

‡ The Scotch writers ſay, that Ralph de Comfrey commanded the Engliſh army. Hemingford calls him Ralph le Cofrer, adding *qui ex parte regis ſtipendia miniſtrabat*. (Is this the explication of his name le Cofrer.)

§ The earls of Savoy and Lincoln, as proxies for prince Edward, did, on the ſame day, eſpouſe Iſabel of France.

Edward I. K. of England. 1303.

from all farther aid from France. Edward, well knowing this approaching issue of his negociations with Philip made great preparations of forces and money for a new expedition into Scotland. Several of the chief men * of that nation were at the court of France when this treaty was concluded: of this event they gave intelligence to Comyn the regent, and their friends at home, and encouraged them still to resist Edward with their wonted courage; giving them assurances of the earnest interposition of Philip, by his ambassadors, to be instantly sent to Edward on their behalf; which interposition they pretended was more likely to prevail, now that a strict friendship was restored between the kings. But these were only words; for Edward, having appointed his forces to rendezvous at Berwick at Whitsunday, did, before the middle of May, enter Scotland in person: and he himself directing the progress and operations of a mighty army, collected from all parts of his dominions, and attended by a fleet on the coast, penetrated into the remotest parts of Scotland †; seizing the towns and castles, and compelling every where communities and particular persons to submit to his power, and to recognize his authority. Nor is there any mention made of any considerable resistance he met with in this summer's campaign, except from the castle of Brechin; which Thomas Maule, its lord, defended with great bravery twenty days, until he was slain by a stone thrown from a battering engine.

Mat. Weſtm.

A. D. 1304. Feb. 9th.

In order to secure his acquisitions, and perfect his conquest, he spent the winter at Dunfermling. He received there in February the submission of John Comyn of Badenoch the regent, and of eleven knights ‡ in his company, for them-

* The perſons meant were, William and M. Biſhops of St. Andrews and Dunkeld, John earl of Buchan, James Stuart of Scotland, John de Soulis, Ingelram de Umfranville, and William de Baliol. Mentioning the late action at Roſlin, they ſay, *Si ſciretis quantus honor vobis crevit per diverſa mundi climata de conflictu ultimo habito cum Anglicis, multum gauderetis.* They beg their countrymen not to wonder that ſome of them did not at preſent come over to Scotland; but they ſay, That though they would have all cheerfully come, the king of France would not allow them, until they could carry with them an account of the iſſue of his negociation with Edward, on the behalf of themſelves and countrymen; which being received, whatever it ſhould be, they would come over to them, notwithſtanding any danger to which they might be expoſed by ſea or land. Philip no doubt, detained them to make Edward's work in Scotland more eaſy. The ſix firſt-mentioned of them appear, by the agreement which Edward made with John Comyn of Badenoch, &c. in the following February, to have been ſtill out of Scotland. Ryl. p 370. No mention is made of Baliol in this letter.

† Hemingford, Walſingham, and Trivet ſay, That Edward ſet out from Roxburgh, and advanced as far as Caithneſs. Fordun ſays, That having marched through both plain and hilly countries, he came to Lochindorb; and making ſome ſtay there, received the northern parts to his peace, and ſettled governors in the caſtles and walled towns *(villis firmatis)*. From dates in Rymer, he appears to have remained ſome weeks at Kinloſs in Murray, where there was a monaſtery of Ciſtertians founded by king David in 1150. Its firſt abbot Aſceline and his monks were carried from Melroſe. Spottiſwood's Rel. Houſes, p. 256.

Hugh Audely coming into Scotland with king Edward, attended by ſixty men at arms, took up his quarters at the abbey of Melroſe. John Comyn the guardian made an attack upon him in the night, forced the gates of the abbey, and killed ſeveral of his men. Sir Thomas Grey fled over the bridge, and defended a houſe until he ſaw it in flames over his head. He then came out and was taken priſoner. Lel. Col. p. 541.

‡ Theſe knights who ſubmitted along with J. Comyn were, Edward Comyn of Kilbride, John de Graham, John de Vaux, Godfred de Roos, John de Maxwell the elder, Peter de Prendregueſt, Walter

themselves and all their adherents, who were willing to come to the king's peace. Comyn having probably found, in his own Highland country, retreats that were inaccessible to the English, waited till almost all the rest of his countrymen had made their submission to the conqueror; yielding, at last, to necessity, he accepted of the terms which Edward by his delegates, offered to him, his companions and abettors. These, like those who had submitted before them, were to be safe in their lives, limbs, and heritages, and also free from imprisonment; but to be subject to such fines for their trespasses committed against Edward, as he and his parliament should ordain. The strongholds of the kingdom were to remain in the hands which then held them, until a farther settlement by the king in parliament. Prisoners and hostages were to be on both sides released, and what remained due of ransoms forgiven. A few were to undergo exile for short periods. Sir William Wallace had no other condition than to submit, if he pleased, to the king's mercy.

Interregnum in Scotland.

1304.

Ryl. Plac. Parl. p. 369, 370. Triv. p. 337. Cod. Mert.

Edward, as he marched northward, in the preceding summer, had left behind him unreduced the castle of Stirling*, being unwilling to consume, in the siege of that fortress, the season fittest for exploring and subduing the wild and mountainous tracts beyond it. When every thing else had submitted, this garrison continued still obstinate, contemptuously rejecting repeated charges and admonitions from the king to yield, and pillaging and destroying his subjects, whenever they had an opportunity. Wherefore, in a convention†, which the king held in the time of Lent, at St Andrews, where he resided during that holy season, and in which convention the great men, both of England and Scotland, consulted in common about the settlement of the affairs of Scotland; the garrison of the castle of Stirling, after a solemn trial, were declared outlaws, and a sentence of outlawry pronounced against them. But this sentence not availing to bring that important fortress into the king's possession, he laid close siege to it after Easter ‡, with the forces both of England and Scotland. The besieged, being well furnished with provisions and engines of

Rym. ii. 950. Hem. 206. Trivet. 338. M. W. 448, 449, 450.

Walter de Berkeley de Kerdau, Hugh de Erth, William de Erth, James de Roos, and Walter de Rothevan. Thoſe who on the part of Edward treated with them were, Richard de Burgh earl of Ulſter, Eymar de Valence lord of Montignai, Henry de Percy, and John de Benſtede clerk. The agreement is dated at Strathorde.

* Hemingford ſays, That the reaſon of the king's not taking it laſt ſummer, was, that his men might be hindered from deſerting, by the dread of falling into the hands of the garriſon in their way towards England.

† Fordun calls this convention a parliament; and ſays, That Edward paſſed the Lent, *quadrageſimavit*, at St Andrews, from which city there are ſeveral papers, dated in Prynne, in the months of March and April. The Merton college MS. of Trivet, ſays, That the king aſſembled this parliament at St Andrews, about Mid-lent, to which all who were ſummoned came, excepting Simon Fraſer and William Waleys, and thoſe who held the caſtle of Stirling. This aſſembly being aſked by the king, their judgment concerning thoſe in the caſtle (and probably alſo concerning Fraſer and Waleys), they all agreed to declare them outlaws. Edward alſo aſked the Scotiſh grandees, What each of them would pay for his ranſom? and being gratified, by all of them ſubmitting themſelves ſimply to his will, he would not demand any thing from them at that time.

Ford. l. 12. c. 3.

‡ The Merton college MS. of Trivet, mentions the day on which the ſiege began, viz. April 22. *In die Sti. Georgii præcedente.* And Trivet relates, that the king provided great numbers of engines, as well as vaſt ſtore of wine and victuals, for carrying on this work, *fuit tanta multitudo ingeniorum, tanta copia viniet victualium ut ſinguli mirarentur.* Triv. 338.

defence,

Edward I. K. of England. 1304.

defence, made a most desperate resistance for about three months, until all their defences were beaten down by the vast stones and balls of lead *, thrown from the king's engines † raised higher than their walls; and the ditches being also filled up with earth and stones, and every thing ready for a last assault, they then offered to yield themselves to the king's mercy, employing some of his nobles to intercede for them. But Edward was deaf to these intercessions for several days; during which the garrison ceased from all manner of defence. At last he granted leave to William Olyfard, with twenty-five of the chief men that were with him, two of whom were monks, to come into his presence; where, in the posture and guise of miserable suppliants, they made an unconditioned surrender of their persons and possessions to his will, imploring with sighs and groans some share of his unmerited grace. These circumstances moving the king's compassion, he spared their lives; and commanded the lieutenant-marshal of his army to detain them prisoners without fetters, Olyfard was sent to the Tower of London; and the rest, being more than one hundred and forty in number, into prisons in different places of England ‡.

July 24th

Rym. ii. 944. Hem. i. 207.

To complete the humiliation of the Scots, and wholly to blast to them every hope of relief, it was agreed this year, between Edward and Philip, That the former should expel from his dominions the Flandrians and all other enemies of the French king; on condition that Philip should do the same, with regard to Edward's enemies, the Scots, who remained, and were protected in his kingdom. This agreement was, on both sides, to be executed before Midsummer §. Edward's work being thus completed in Scotland, he left it under the guardianship of John de Segrave ||, and entered England about the end of August, accompanied by several of the Scottish earls and barons. Af-

Triv. 339. Matt. Weſtm. p. 450.

* *Balls of lead.* Fordun ſays, He cauſed the whole lead of the monaſtery of St Andrews to be taken off, and carried to Stirling, for *conſtructing machines, ad machinas conſtruendas*, l. 12. c. iv. Hemingford ſays, That Edward had, at this ſiege, ſeveral wooden machines that threw ſtones of one hundred, two hundred, or three hundred weight, p. 205.

† Matthew Weſtminſter mentions two machines employed in this ſiege; one called *a Ram*, and another *a Wolf*. The Ram, being clumſy and ill contrived, was of little uſe. The *Wolf*, though leſs expenſive, did more harm to the beſieged, p. 449.

‡ The relation of this ſiege and capitulation, or ſurrender, is taken chiefly from the notorial inſtrument of it, publiſhed by Rymer, with which Hemingford's and Trivet's account agrees beſt. All the Engliſh hiſtorians mention the garriſons aſking at firſt their lives and limbs; but of this requeſt no mention is made in the inſtrument. Fordun mentions a written capitulation, and charges Edward with breach of faith, in ſending Olyfard priſoner to England; but this accuſation is groundleſs. Matt. Weſtminſter, a cotemporary writer, gives a more circumſtantial account of this famous ſiege than the other annaliſts, ſtriving to blazon, by his pomp of deſcription, Edward's valour and good fortune.

Of the twenty-five who came out of the caſtle to ſupplicate Edward's mercy, there were ſeveral that bore the names of noted Scotch families: William and Hugh de Ramſey, Ralph de Haliburton, Patrick de Polleworth, a Vipont, and Napier, and a Wiſhart, and three Olivers, beſides the governor. Trivet calls William Olyfard *militem admodum ſtrenuum et cordatum.*

§ Hemingford ſays, That the baniſhment of the Flandrians was believed only to be a pretence, *ſub colore ut creditur*; for they ſoon returned. Hem.

|| Trivet, whom Walſingham copies, ſays, That Segrave was left, by the king, *guardian* of Scotland; but from the inſtrument of the ſettlement of Scotland, in September 1305, he appears to have been, in the former part of that year, the king's lieutenant only in Loeneys, *i. e.* in Lothian, and the adjacent counties towards England. Ryl. p. 503.

ter

ter visiting several places in the northern counties, he came to York; and removed thence the courts of his Bench, Exchequer, and Chancery, to their accustomed place at Westminster, after they had continued more than seven years at York, for the sake of being nearer the king, in his Scottish wars.

Interregnum in Scotland.

1304. From feaſt of Trinity 1297, to Chriſtmas 1304. Hem. A. D. 1305.

We are not informed of any farther proceedings of Edward respecting Scotland, until the parliament, which he held at Westminster in the Lent of the following year. The chief business of this parliament was to concert proper measures for repressing domestic disorders and crimes, which had grown to a great height in England, during Edward's wars with France and Scotland; but some of the great men of Scotland, who were present in this parliament *, were ordered by the king to give their opinion about a proper representation of their countrymen, in a parliament which the king proposed soon to hold at London, for making a *full settlement of the government and police of Scotland* †. Agreeably to their advice, the *community* ‡ of Scotland, by Edward's command, assembled *at Perth*, on the day after the feast of Ascension, and made choice of ten representatives; two for each rank of freemen in the kingdom. These representatives were, the bishops of St Andrews and Dunkeld, the abbots of Cowper and Melros, the earls of March and Buchan, John de Moubrai §, and Robert de Keth for the barons, and Adam de Gurdon, and John de Inchmartin for the *communities of burghs* on either side of the Scottish sea. The expences of these representatives were appointed by the king to be defrayed by the public.

Ryl. Plac. Parl. 243.

Friday, March 26. Ryl. p. 279.

The time of holding the parliament, to which these representatives were to repair, was first appointed to be the middle of July. It was prorogued from hence to the middle of August, and hence again to the middle of September. In this interval, Sir William Wallace, the deadly foe of Edward and the English, who continued in arms, asserting his freedom, while all besides crouched under the yoke, was, by the baseness of Sir John Monteith, governor of the castle of Dumbarton, who had been his intimate friend, seized near Glasgow, and delivered into the hands of his enemies. Being carried prisoner to London, he was tried in Westminster-Hall, and condemned as a traitor ‖. The sentence was executed against him in all its rigour, his head was erected on a poll on London-Bridge, and his four quarters sent to be hung

Ford l. 12. c. 8. Triv. 340.

Auguſt 23.

* Theſe were, the biſhop of Glaſgow, the earl of Carrick, and John de Moubrai.

† *Super ſtatu regni et hominum Scotiæ.* Rec. Ryl.

‡ It is called *communitas terræ Scotiæ* in the record.

§ John de Moubrai, returning from the Engliſh parliament in Lent, had leave from the king to carry with him Ralph de Haliburton, one of the defenders of the caſtle of Stirling, on giving ſecurity to bring back the ſaid Ralph to the July parliament. It is ſaid in the record, That he was carried into Scotland, *in auxilium aliorum hominum terræ illius qui circa captionem Willielmi Waleys vacabunt.* By his diligence in this ſervice, he was probably to recommend himſelf to farther favour from the king. John de Moubrai again obtained leave to carry Haliburton into Scotland from the parliament in September, on giving ſecurity to bring him back to the parliament after Eaſter; that it might be ſeen, in the interval, how he would behave, *quomodo idem Radulphus ſe velit gerere et habere.* Ryl. Pl. Parl. p. 279.

‖ He rejected the charge of being a *traitor* to the king of England, but confeſſed the other things of which he was accuſed. Stow, 209. He is ſaid to have left iſſue one daughter, married to Sir William Baillie of Hoprig, from whom is deſcended Baillie of Lamington.

up

Edward I. K. of England. 1305.

up to public view in four great towns of Scotland. Wallace's pertinacious resistance, after his country was entirely subdued, and the cruelties by which it is probable he had too often gratified his inexpiable hatred of Englishmen, were the foundation of Edward's severe proceedings against him; but whatever may be said for the equity of these proceedings, they seem to have been very repugnant to sound policy. This should have dictated to Edward every measure that tended to conciliate to him the love of a people whom he had found it so hard to subdue or govern by force; but he could not have devised any thing that tended so much to alienate their hearts, or to kindle in their breasts a resentment not to be extinguished, as the cruelty and indignity with which he treated the man who was their chief hero and idol.

Ryl. Pl. Pad. p. 503.

In the parliament which met at Westminster in September, nine of the Scottish delegates were present. *Earl Patrick* * did not attend, for what reason is not known. By the commandment of the king, *Sir John Monteith*† was substituted in his place; and with these, ten Scotchmen and twenty one Englishmen were appointed ‡, to treat of the affairs of Scotland. All of them were sworn in the most solemn manner to give their best advice about these affairs; the king declaring that their advice should be the rule of his conduct. They gave their advice concerning the persons to be employed by the king in the offices of magistracy; from the king's lieutenant § *John de Bretagne*, down to the sheriffs of the several counties; and also concerning the governors of castles. The most remarkable new establishment in the civil government, was that of four pairs of justices; a pair for each quarter of the kingdom,

* So called.

† *Monfieur Johan de Meneteth.* Would not this be moſt offenſive to the Scots in general, and to the earls in particular?

‡ Monſ. H. de Percy was one of this number, alſo ſire Johan de Sandale chamberlain of Scotland, the biſhops of Worceſter and Cheſter, earls of Lincoln and Hereford, abbots of Weſtminſter and Waverley. John de Haſtings was one of them, but was abſent on account of ſickneſs. Some of the Engliſh judges were alſo of the number.

§ John de Bretagne was at this time appointed guardian of the kingdom. Sire William de Bevercotes (*a*) was to continue chancellor, and ſire Johan de Sandale chamberlain, whoſe comptroller was to be ſir Robert Heron. But as John de Bretagne could not come into Scotland ſooner than the firſt Sunday in Lent; the *interim* guardianſhip of the kingdom was intruſted to the biſhop of St Andrews, de Sandale the chamberlain, Robert de Keth, and John de Kingſton (Rym. ii. 290). The two juſtices of Loeneys, were John de Liſle and Adam de Gurdon; of Galloway, Roger de Kirkpatrick and Walter de Burghdon; of the country beyond the Scottiſh ſea, i. e. between the river Forth and the mountains, Robert de Keth and William Inge; and of the country beyond the mountains, Reynaud de Chien, and John de Vaux of the county of Northumberland.

(*a*) Bevercotes and Sandale were both clergymen. Carte.

The counties are in number twenty-three; thoſe of the three Lothians being accounted as one, and having only one ſheriff. The chamberlain of the kingdom, who had the keeping of the caſtle of Berwick, was to put under him one as ſheriff of Berwick, for whom he would be anſwerable. The conſtables of the caſtles of Stirling and Dumbarton, were at the ſame time ſheriffs of the counties ſo named. Three that were ſheriffs by fee, were continued. One of theſe was ſheriff of Selkirk. The ſheriffs were in general to be either natives of Scotland or Engliſhmen. The lieutenant, chancellor, and chamberlain, were alſo to take care that there ſhould be ſufficient coroners. Beſides the caſtle of Berwick, the other caſtles named in this ordinance are thoſe of Roxburgh, Jedburgh, Edinburgh, Linlithgow, Stirling, and Dumbarton. The king's lieutenant was to have in his hands the caſtles of Roxburgh and Jedburgh. The keeping or conſtabulary of the other caſtles, were to continue in the poſſeſſion of thoſe who then held them. The king's lieutenant and chamberlain, when they came to Scotland, were to ſettle the garriſons of the caſtles of Stirling and Dumbarton, whoſe governors were William Biſſet and John de Meneteth.

two

two for Loeneys or Lodonia, two for Galloway, two for the country beyond the Scottish sea, or between the river Forth and the mountains, and two for the lands beyond the mountains. The king's lieutenant, chancellor, and chamberlain, had power to change the justices and the sheriffs, as they judged for the king's honour and good of the country. With regard to the laws and usages of Scotland, it was ordained, that the usage of the Scots and Britons (*a*) should henceforth be totally abolished: and for a farther settlement of the laws of that kingdom, it was ordained, That the king's lieutenant should, on his arrival in Scotland, assemble the estates, before whom the laws *made by king David*, with the amendments and additions of succeeding kings, should be read. The lieutenant, with his council of English and Scots, should amend the laws and usages that were evidently against God and reason, so far as they were able, in so short a time, and without the king's advice. A distinct report in writing was to be made to Edward in his next parliament, on the feast of Ascension, of the proceedings and opinions of this assembly, with regard to the important subject of the reformation of the Scottish laws; and they were also appointed to elect representatives, with full powers to conclude with others appointed by the king concerning such regulations as should tend to the better government of Scotland for the future. The governor was appointed to consult with the chief men of Scotland, concerning those who were most likely to disturb the public peace; who were to be sent into England to the king under fair and alluring pretexts, that he might detain them on the other side of Trent, if he should see it expedient. Mention is made in this ordinance* only of two offenders, Alexander de Lindesai and Simon de Fraser, the former of whom was to continue out of Scotland only half a year; but the other was to undergo an exile of four years, and was not to reside during that time in the dominions either of France or England.

Interregnum in Scotland. 1305.

(*a*) The Brets or Britons were moſt probably the Galwedians, who in the laws of Alexander II. c. 2. are ſaid to have had proper and ſpecial laws of their own.

At the end of this session of parliament, Edward published his act of grace to the offenders in Scotland, declaring, that on account of their good and loyal behaviour since he last left Scotland, and from the hope he had of the continuance of such behaviour, he granted them safety of life and limbs, with freedom from imprisonment and forfeiture; but as it was not fit that their repeated rebellions and the many horrid outrages committed by them should pass unpunished, he imposed upon them, by the advice of his council, fines of one year or a few years rents of their estates †. In order to levy these, the lord-

Oct. 15. Ryl. 166.

* A memorandum is annexed to this ordinance about the eſtabliſhment of Scotland, bearing, that the king at this parliament gave order before his council to the chamberlain of Scotland, that the burgages of Berwick ſhould be delivered and held, according to the eſtimates that were made by his commandment ſince the conqueſt: And that no charter purchaſed to hold by ſmaller extent, ſhould be allowed. Ryl. p. 508.

† The clergy were to pay one year's rent of their eſtates, except the biſhop of Glaſgow who was to pay three. Thoſe who ſubmitted to the king before John Comyn, were to pay the rent of two years. John Comyn and thoſe who ſubmitted with him at Dunfermling, were to be fined of three years rent. Ingelram de Umfranville, William Baliol, and John Wychard, knights, had come to the king's peace and will, but a little before the preſent letters were granted; for which reaſon the fine of Umfranville was five years rent, the higheſt of any; that of Baliol and

Edward I. K. of England. 1305.

lord-lieutenant and chamberlain were to cause reasonable extents to be made of the annual revenues of their lands; one half of which was to be paid to the king until the whole ransom was cleared, and the other half during that interval, to be left to the proprietors for their sustenance. The exile which some of those who submitted at Stirling were, by the terms of that submission, to have undergone, was in this act of grace remitted, particularly to John Comyn of Badenoch and the bishop of Glasgow.

A. D. 1306.

Edward no doubt flattered himself, that by a due proportion of mercy and severity in the measures above related, he had secured the subjection and future quiet of Scotland. It is not however difficult to perceive how offensive many of these new orders would be to the people of that country; particularly the abolition of the usages of the fiercer part of the kingdom, and the project of making great alterations in the laws by which the more civilized part of it had been governed. The Scots writers also speak of their English magistrates and governors exercising their power in a very arbitrary and violent manner; and certainly by this time, mutual national hatred had been so inflamed, that the people of either country must have been very unfit rulers for those of the other. In circumstances which excited in the Scots the warmest wishes of a deliverer, and before their martial temper and habits had *had* time to undergo any decay, a leader every way suited to their desires, presented himself in the person of Robert Brus earl of Carrick *, who, in the flower of his age, was endowed with extraordinary abilities both of body and mind. It is probable, that the death of John Baliol, which happened about this critical period in France, together with the captivity of his eldest son Edward in England, suggested, or at once matured the thoughts entertained by Brus and his friends, of seizing the throne of Scotland. The Scottish writers say, that *John Comyn* † of Badenoch, who was the *son of Baliol's sister*, and, after the Baliols, the next heir in that line to the crown, did, by a secret bargain, quit his claim to Brus. The same authors add, that Comyn revealed Brus's ambitious views to Edward; but the English annalists only relate, that Comyn was firm in his fidelity to their king, and at a meeting at Dumfries, to which he had been invited by Brus, did obstinately refuse to join in the design of raising him to the throne; by which opposition Brus being incensed,

Ford. l. 12. c. 4.

Hem. vol. i. p. 219.

Feb. 10th.

Wychard four, and that of ſons of their vaſſals who came in with them, three. The king reſerved, to be diſpoſed of at his pleaſure, the lands, &c. that John Baliol had alienated from the demeſnes of the crown; and this act of grace extended to none who were the king's priſoners, nor to thoſe who had not come to his peace and fealty.

* Robert de Brus *the fifth*, (viz. of the name of Robert) the grandſon of that Robert de Brus, who, as was above related, contended before the king of England for the kingdom of Scotland. Hem. vol. i. p. 218.

† John Comyn was ſirnamed the *Red*, Johannes de Red Comyn. Ford. Carte ſays, that Winton is the only ancient writer who ſays, that Baliol's ſiſter was John Comyn's mother, and is not conſiſtent with himſelf in this account. In the converſation related by Fordun between Brus and Comyn, the former calls the latter, couſin or kinſman.

This John Comyn married Joan, one of the ſiſters and co-heirs to Aymer de Valence, earl of Pembroke, who died in 1323. He had by her one ſon John, who married a ſiſter of Thomas lord Wake, but had no children, and two daughters, Joan married to David de Strathbolgi, earl of Athol, and Elizabeth to Richard Talbot, who were principal actors in raiſing Edward Baliol to the throne of Scotland. Dugd. i. 685. 777. 539.

stabbed

stabbed Comyn with his *dagger**; but the wound not proving immediately mortal, some of Brus's friends completed the murder †, in the church of the Grey Friars in that town, where part of Comyn's blood was spilt on the altar. Brus immediately after seized the castle, driving out the judges who were then sitting in it. Being soon after joined by many of his compatriots of all ranks, he imprisoned Edward's sheriffs, seized his lands and castles, and laid waste the estates of those who opposed the begun revolution. The Englishmen, excepting those who were in the garrisons, *fled* as fast as they could to their *own country* ‡; and Brus by consent, and in presence of a considerable number of the chiefs of his countrymen, both churchmen and laics, was crowned at Scone §.

Interregnum in Scotland. 1306.

Rym. ii. 988, March 25.

To oppose this very unexpected insurrection, Edward's first measure was to send immediately into Scotland Aymer de Valence, who was appointed lieutenant under the king, and captain over the counties of York and Northumberland, and in all Loudonia and the neighbouring places of Scotland, as far as the county of Dumfries; and all military tenants in these counties were ordered to obey and follow him, in repressing and subduing Brus and his adherents. Robert de Clifford and Henry Percy were joined with Aymer in this service; and all of them with forces from the northern counties of England, entered Scotland in the beginning of summer; and were joined there by the partisans of Comyn and others, who continued faithful to the English monarch.

Rym. ii. 988.

Hem. 224.

The decays of old age beginning to be felt by Edward in his own person ‖, he sought to kindle a military spirit in his eldest son and heir, and to animate him to maintain his father's conquests, and avenge his quarrels, by conferring upon him, in a very solemn manner, the order of knighthood. This ceremony was performed at Westminster on the feast of Pentecost; and, in consequence of a summons that had been published over the kingdom, about three hundred youths, many of them of the greatest families, were knighted at the same time with the young prince, and by that circumstance were attached to him as his brethren and faithful companions in war. And it being usual on such occasions to vow some feat of arms, the old king vowed to avenge the con-

* Barbour says, with a knife.

† The person who completed the Murder of Comyn was sir Thomas Kirkpatrick; and in memory of this deed, the family of Kirkpatrick have taken for their motto these words. *I will secure him.*

‡ Mat Westminster says, they fled to Berwick, *ad municipium Bervici.* Westm. p. 453.

§ Hemingford says, there were present at his coronation, four bishops, five earls, and the people of the land. Fordun says, that Brus was crowned on the sixth of the calends of April i. e. the twenty-seventh of March, being a Sunday; and Goodall, in note, p. 232, says that this account of Fordun's is true, whatever others say. Ford. l. 12. c. 9, 10. Matt. Westminster seems to reconcile these different accounts, by relating that Robert, after being first crowned on Friday the 25th caused himself to be crowned anew on the Sunday following, being the twenty-seventh, by the countess of Buchan. She took upon her, it is said in Lel. Coll. i. 542. to crown Robert Brus, because her brother the earl of Fife was absent, lying at his manor of Witnik, by Leicester.

‖ When Edward first heard the news of Brus's insurrection, he was keeping Lent at Winchester, At Easter, in an assembly of his great men, he conferred the duchy of Aquitane on the prince of Wales. (This grant is dated in Rymer, at Winchester, April 7th.) After Easter, the king was carried to London in a chariot. (*currezando*, Triv.) because he was not able to ride, by reason of a Weakness of his legs, (*ob infirmitatem quam habuit in tibiis.*) Triv. 343.

Edward I. K. of England. 1306.

tempt done by Robert Brus to God and the church; after which he would never more bear arms against Christians, but finish his days in warring against the infidels in the Holy Land. His son also vowed never to tarry two nights in one place, until he arrived in Scotland, to carry into effect the vow made by his father. His companions vowed the like revenge of John Comyn's murder. Accordingly the prince immediately set out towards Scotland with his knights-companions. And the old king with his queen following slowly, appointed a general rendezvous of his army at Carlisle, on the eighth of July to advance with his son against the Scottish rebels.

But before the time of this rendezvous arrived, Robert Brus, with his army, being attacked by Aymer de Valence, who issuing forth from Perth, came upon Robert by an artful surprise at Methven, was totally routed, and many of his followers taken or killed; himself and a few of his friends escaping with the utmost difficulty to the mountains *. After he had wandered some weeks among these, accompanied by a small and resolute band, he was again attacked and routed at Dalry, on the confines of Athol and Argyle, by the *men of Argyle* †, under the conduct of the lord of Lorn, who being nephew to the deceased John Comyn, was Brus's deadly foe. After this defeat Brus was reduced to a solitary and forlorn condition, and endured the most distressing wants and hardships: at last he found means to pass over the Frith of Clyde to Cantire; and still diffident of his safety there; he sought it in the small and neglected island of Rouchrin, situated between the peninsula of Cantire and Ireland, amid the raging waves of the Atlantic. The *only nobles* who accompanied Robert in his flight and all his distresses, were the earl of Lennox and Gilbert de Hay ‡.

June 24. Sunday after Hem. June 19, Ford. August 11. Ford. l. 12. c. 11.

Ford.

These events left little else to be done by the great English army §, than to

* It is said, that Robert Brus himself was taken prisoner at the battle of Methven, by John Haliburton, who, on discovering him through his disguise, suffered him to escape, Lel. i. 542.

The English historians Hemingford, Trivet, Westminster, Walsingham, all relate, that Robert came before Perth with a body of horsemen, having all of them linen shirts covering their armour, as a disguise to conceal them. They challenged Aymer, who had lately come into Perth with a considerable number of English gens d'armes, to come out and fight them. Aymer accepted of the challenge, but said he would not fight that day, but the next. Brus, on this answer, retired to Methven, secure that his enemies would not disturb him that night; but while he and his army were carelessly refreshing themselves, Aymer came forth upon them, and put them wholly to the rout. Brus made all the efforts he could, and would not have escaped without the aid of Simon Fraser, who raised him thrice to his horse, when he was beaten from it. The white shirt also helped to save him; for unless he had been disguised, many of the English must have known him. The stratagem or lie of Aymer, Carte does not mention.

† Barbour calls them the barons of Argyle, p. 40. v. 9. and says there were a thousand of them.

‡ So says Fordun. According to Barbour, James Douglas was another of his inseparable companions; having joined him near Lochmaben, when he first set out from thence, after the murder of Comyn.

§ Walsingham, in Ypod. Neustr. says, That young Edward, with his companions, entering Scotland, was always a day's march before the old king; and in prosecuting his vow of vengeance, spared neither sex nor age, and burnt every village and hamlet in his way; at which his father is said to have been much displeased: and having chid him for this cruelty to the poor helpless people, commanded him always to be merciful to such, because they seldom contrive or do any thing without the command of their lords. Yp. Neustr. p. 498.

pursue

Robert Brus, K. of Scotland. 1306.

purſue, and captivate, and deſtroy. The powerful faction of the Comyns and other Scots joining the Engliſh in this work, almoſt all Brus's neareſt relations and moſt zealous friends ſoon fell into the hands of their enemies. In the caſtle of Kildrummy in Marr, where Aymer de Valence expected to find Brus himſelf, was taken his brother Neal; who, with the other perſons of note in the garriſon, were ſent priſoners to Berwick. The king, on account of his bad health, having, on the approach of winter, taken up his reſidence in the convent of Lanercoſt in Cumberland, ſent from thence juſtices to Berwick to try Neal Bruce and his accomplices, who were condemned to be hanged, drawn, and quartered; and the ſentence was rigorouſly executed. The like puniſhment was inflicted at Dumfries on *Chriſtopher Seton* *, a native of England, who had married Robert Brus's ſiſter; and at Newcaſtle on Chriſtopher's brother, John; as alſo at London on John de Strabolgi *earl of Athol* †, and on Simon Fraſer, which latter was ſcarce inferior to Wallace in ſtrength and bravery. In general none were ſpared who were convicted of being acceſſary to the aſſaſſination of Comyn, either in its execution or contrivance, or of receiving and protecting thoſe who were. Ryl. p. 510.

Even the tender ſex and clerical order did not eſcape what Edward ſeems to have thought juſt vengeance. Robert Brus's queen, as ſhe fled to a ſanctuary at Tain, being ſeized by William Comyn earl of Roſs, was ſent to the Engliſh king, who ſhut her up a priſoner in one of his own houſes; but from regard to her father the earl of Ulſter, commanded her to be well treated ‡. Chriſtina, ſiſter of Brus, who was wife to Chriſtopher Seton, and Margery Brus's daughter, were intruſted to the charge of Henry Percy, who ſhut them up in convents. But a ſingular puniſhment was contrived for the counteſs of Buchan; who being ſiſter to the earl of Fife, fled from her huſband John Comyn, carrying along with her his war-horſes, to Robert Brus at Scone; and put the crown on Brus's head; thereby affecting to perform the office that hereditarily belonged to her brother, who was at that time with the king of England. Edward appointed her to be ſhut up in a wooden cage § in one of See above, p. 227.

* Taken in the caſtle of Lochdor, Triv. He had formerly killed at Dumfries a ſheriff of the Engliſh king, i. 543.

† Mat. Weſtminſter ſays, That this earl *de ſtirpe regali ſibi originem vindicavit*; which was a reaſon of Edward's treating him more ſeverely, inſtead of more mildly, on account of his treacheries in England, Scotland, and Flanders. In Lel. Coll. it is ſaid, That the earl of Athol was couſin to the king of England, and ſon to Maud of Douſe his aunt. Lel. Coll. i. 543.

‡ She was to be ſent to Bruſtwick, which ſeems to have been in Holderneſs, becauſe Richard Oyſel, ſeneſchal of Holderneſs, was appointed to ſupply her with all neceſſaries. The king ordained, *qe ele giſſe en la plus bele maiſon du manoir a ſa volunté.*

§ The chamberlain of Scotland, or his lieutenant at Berwick upon Tweed, was ordered to cauſe this cage to be made of ſufficient ſtrength; in which ſhe was to be attended and ſerved by one or two Engliſh women of the town of Berwick; and no Scottiſh man or woman, nor any other perſon, except the ſervant or ſervants appointed her, were to be ſuffered to have acceſs to her. This order is from a French original in Rymer. Weſtminſter, a cotemporary writer ſays, That the king declared, that as ſhe did not ſtrike with the ſword, ſhe ſhould not die with the ſword; but ordered her to be ſhut up in an habitation of ſtone and iron, ſhaped like a crown, and to be hung out at Berwick in the open air, for a ſpectacle and everlaſting reproach, while living and dead, to all that paſſed by. The circumſtance of hanging out the cage is not mentioned in the order.

the

Edward I. K. of England. 1306.

the towers of Berwick castle. And in the same manner was Mary, a sister of Brus, ordered to be shut up in one of the towers in the castle of Roxburgh.

As to the clergy, Hugh, Robert's chaplain, who was taken fighting in the battle of Methven, was hanged. The bishops of St. Andrews and Glasgow, and the abbot of Scone, were sent, in the coats of armour which were found on them when taken, to different castles in the south of England, where they were closely shut up and secured by iron fetters *. The friendship which the new Pope, Clement V. a native and subject of Edward's French dominions, bore to that prince, emboldened him to punish, in this manner, the repeated breaches of faith of which the Scottish prelates were guilty. He had also obtained from the same Pope, in the beginning of Summer, a bull addressed to the bishops of York and Carlisle, authorising them to excommunicate Robert Brus and his adherents, on account of the sacrilege committed at Dumfries.

May 18.

Hem. Triv.

Amid so horrible a desolation of Brus's interest and friends, when his enemies had ceased to fear him, and his secret well-wishers had almost wholly despaired of seeing him more, he suddenly made his appearance in Cantire, about Michaelmas †, with a band of hardy followers, from the isles and Ireland. From Cantire he sent over some of his people into Carrick, to collect the Martinmas rents of his lands. Henry de Percy, to whom Edward had made a grant of the earldom of Carrick, together with the rest of Brus's lands and castles in Scotland, came, as soon as he could, to defend his new estate ‡; but Brus passing in person the Frith from Cantire, surprised Percy in the night-time, slew some of his men, and seized his war-horses and plate. He was even strong enough to block up Percy in Turnberry castle; until Edward receiving intelligence of his danger, sent a great body of forces to his relief. Brus, unable to contend with these, retired into the fastnesses of the Highlands.

Dugd. Bar. ii. 273.

A. D. 1307. Feb. 22.

In the beginning of the following year, Edward held a parliament at Carlisle. While this was sitting, the Pope's legate, Peter cardinal of Spain arrived, with a splendid retinue. The chief errand of this legate was to solicit Edward's consent to *the consummation* § of the marriage between the prince of Wales and the king of France's daughter; which could not however be accomplished without some farther delay. This legate embraced the opportunity of gratifying Edward, by joining with the English bishops in pronouncing against Brus and his adherents a sentence of excommunication, with all the

* In the ordinance for settling the peace of Scotland, after the battle of Methven, it was appointed, that those who aided, counselled, procured, or *preached* the people of Scotland to rise against law, and were attainted thereof, whether clerks or others, should be seized and detained in prison, during the pleasure of the king. Ryl. 510.

† Barbour says, That he passed over from Raughrin to the Isle of Arran, which is situated in the Frith between Cantire and Carrick, and from Arran into Carrick.

‡ Henry de Percy had, several years before, (26 Edw. I.) obtained a grant of all the lands, as well in England as in Scotland, that were the inheritance of Ingelram de Baliol deceased, and which by inheritance belonged to Ingelram de Umfranville, then in rebellion. Dugd. ii. 272.

§ *Pro matrimonio——consummando.* Walf.

circumstances.

circumstances which, in those superstitious times, were contrived to make it terrible *.

Robert Brus, K. of Scotland. 1307.

In the beginning of February, two brothers of Brus, Thomas and Alexander, the latter of them a clerk, in making a descent on the coast of Galloway, with a great ship full of men, were encountered and totally defeated by Duncan Magdoil; who brought the heads of the chieftain of Cantire, and others of the slain, to Edward, together with the two Brus's, half dead with wounds; who by the king's command were tried, and executed at Carlisle. But this combination of the sword of justice with the sword of war, the execrations of the church, and most piercing domestic wounds, were not sufficient to break the spirit of Brus, or to deprive him of followers. On the contrary, their effect was to kindle in the breasts of a fierce people an insatiable thirst of revenge; and especially the severe executions inflicted with the forms of law, and by the sentences of judges; besides the particular resentments of the sufferings and loss of favourites and friends, opprobriously cut off in this manner, excited in them such a horror of the English laws and government, that rather than remain under them, they chose to spend their last drop of blood in battles. This soon appeared by the great numbers which accompanied Robert to the field about Easter; with which he routed Aymer de Valence at *Cumnock;* and three days after, Ralph de Monthermer earl of Gloucester. In the first engagement only a few fell; but in the second the slaughter was considerable on both sides. The earl of Gloucester was driven into the castle of Ayr, and was there besieged, until a great army sent by Edward came to his relief. Brus, after having sustained some loss, in a conflict with this army, retired into woods and marshes, where his enemies could not follow him.

Hem. 225. M. W.

These events were the more distressing to the English monarch, that they came upon him amid the infirmities of old age and the last shocks of an incurable disease. And it ought rather to be regarded as a last struggle, than a regular exertion of his great mind, that, in order to confute a report which had gone abroad of his death, he set out from Carlisle on his march towards Scotland, some days before that which had been fixed for the rendezvous of his great army; notwithstanding he was reduced to extreme weakness by a dysentery. On the two first days, he advanced at the rate of only two miles a day, rested on the third, and on the fourth reached Burgh on the sands; where, on the morning of the fifth, as his servants were raising him up to take some food, he breathed his last in their arms.

Monday, July 8.

Friday, July 7. Rym. ii. 1059.

* *In fine reveſtivit ſe, et ceteris epiſcopis qui aderant; accenſisque candelis et pulſatis campanis terribiliter excommunicaverunt Robertum de Brus cum fautoribus ſuis.* Hem. 226.

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND.

## BOOK. IV.

Edward II. K. of England.

A. D. 1307.

EDWARD II. a weak and dissolute youth having assumed the reins of government, seemed to think that he himself could not be king, unless he contemned and counteracted the will of his deceased father. There was nothing so ardently desired by the late king as to be thoroughly avenged of the perfidy of the Scots, and to bring them into an entire and lasting subjection to his crown; for which purpose it was his dying charge to his son, to prosecute the war against Scotland, preferably to every other object. But Edward, after receiving, at Roxburgh * and Dumfries, the fealty and homage of such Scotchmen as were either disaffected to Brus, or obnoxious to the power of England; and after a short progress into the county of Air, returned to Carlisle. From that city in the beginning of September, he set out towards his capital; having appointed Aymer de Valence his guardian and lieutenant in Scotland with power to receive to his peace and fealty all rebels and enemies, who were willing to submit, and who could clear themselves, on trial, of the death of John Comyn, or of giving their council and assent to the present war of Scotland.

While Edward thus abandoned the prosecution of his father's favourite object †, and rendered, in a great measure, useless, all the preparations he had made for carrying on the Scottish war; he did also, in breach of a solemn oath, made some months before his father's death, and in contempt of his father's curse, immediately recal from exile his favourite Gaveston; conferring upon him, while yet absent, the great earldom of Cornwall. It is probable that Anthony Bec bishop of Durham, whom Pope Clement V. had the year before

* Hemingford says, That the king having gone to Roxburgh, received the homages and fealties of many of the great men of the kingdom of Scotland.

† Robert Brus is said to have declared, that he was more afraid of the bones of Edward I. than of his living son; and that it was much more difficult to get half a foot of land from the first Edward, than a kingdom from his successor. M. W. A. D. 1308. (Ap. Carte, ii. 315.)

created

created patriarch of Jerusalem *; and who had, for a considerable time before the late king's death, been in disgrace with that monarch, did, by joining many others, in flattering the young king's fondness for Gaveston, obtain from him the restitution of the liberties of his bishopric, which had been seized by the late king †. This restitution was made at Carlisle, in the beginning of September, and was followed by many other marks of the royal friendship, which the patriarch bishop enjoyed during the remainder of his life ‡.

Robert Brus, K. of Scotland. 1307. Sept. 4. Rym. iii. 9.

The king, when at York, on his way southward, made a change in the guardianship and lieutenancy of Scotland, conferring it on J. de Bretagne earl of Richmond. This nobleman was obliged, by his commission, to retain in his family sixty men at arms, for the defence of the country; and for the maintenance of them, was to be paid ten merks a day, by the chamberlain of Scotland §, from Michaelmas to Candlemas ensuing. Besides the power which was granted to him over all ranks of persons in Scotland, the sheriffs of Northumberland, Cumberland, Westmoreland, and Lancashire, were ordered, at his command, to raise their possés, for repelling and pursuing the king's enemies. The intelligence soon after received of the hostile proceedings of Robert Brus in Galloway, produced orders to the earl of Richmond, to lead against him those of his band, with the other loyal subjects of the king in Scotland. Special orders were sent to Patrick ‖ earl of Dunbar, and several other Scottish chiefs to accompany the guardian in this expedition. Orders were also issued to two persons, designed *keepers of the king's peace* ** in Lancashire, Cumberland, and Westmoreland, and to two others, bearing the same office in Northumberland and the liberty of Tindale, to be in readiness with the men of these counties to obey the earl; but these orders bore, that the men of the above-mentioned counties should not be led forth from their own counties into Scotland, unless some urgent necessity required it. For the farther support of the war in Scotland, the sheriffs of London were required, with the rent paid by the city to the king, and the fines accruing to him in their courts, to purchase divers articles of provisions and military implements, and to send them with all possible expedition to Berwick on Tweed, to be delivered to the receiver of the king's stores in that town ††.

Sept. 8. Rym. ib. 14.

Sept. 30.

* *Et hoc*, says Hemingford, *quia erat dives Episcopus et Papa pauper*. Hem. i. 216.

† The original and progress of this strife is related in the Hist. Dun Rob. de Graystanes ap. Wh. Ang. Sac. i. 749—754, and Hem. p. 216, 217.

‡ This restitution he made for the honour of God, and of the glorious confessor St. Cuthbert, and from the special affection, which he had long entertained for the said bishop. Rym.

§ Eustace de Cotesbache, the king's clerk, was appointed chamberlain and receiver of Scotland, from Michaelmas, during pleasure, and Rob. Heyton comptroller. Rym. iii. 11.

‖ There are mentioned along with earl Patrick, John de Hastings, John de Fitz Marmaduke, Rob. de Keth, Alex. d'Abernythi, Hen. de St. Clair, Alex. de Baliol, and John de Vaus. Rym. ib.

** Those in Lancashire and Cumberland were, John Baron of Wygeton, and Richard le Brun; in the county of Northumberland, and liberty of Tindale, Roger Heron, and Simon Ward.

†† These articles were twenty barrels of honey, one hundred of wine, twelve thousand weight of iron, five hundred pounds of hemp-cord for baliste, five hundred pounds of hemp, one hundred baliste of one foot, forty of two feet, twenty baliste *de turno*, thirty thousand arrows for baliste of one foot, twelve thousand arrows for those of two feet, two thousand two hundred feathered arrows of copper (*quarrellos pennitos de cupro*) for baliste *de turno*. Rym. iii. 16.

Edward II. K of England.

A. D. 1308. Rym. ib. 50. Jan. 15. June 21.

In the beginning of the year 1308, before the king passed over to France, to be married at Boulogne to Isabel, daughter of Philip the Fair, the commission of guardian and lieutenant in Scotland was renewed to the earl of Richmond; and his salary, on the same terms as before, was continued from Candlemas to Easter. But about six months after, this commission was given jointly to two persons, Robert de Umfranville earl of Angus, and William Ros of Hamlake. At the same time letters were sent to John Comyn earl of Buchan, and several besides, requesting them to retain the charge of the several districts that had been intrusted to their care, until the arrival of the king in Scotland. He assured them of his resolution to be at Carlisle in the latter part of August; and in the end of June he sent orders to Cotesbache, his chamberlain, to provide a store of salmon for his use in his approaching expedition *. But Edward's attachment to Gaveston absorbed all his other concerns; and the excess of this attachment, together with the extreme insolence and rapacity of the favourite, had excited such a formidable combination of the nobles and prelates against him †, that the king was obliged, at Midsummer, to send him out of England; to compensate for which disgrace, as much as he could, he appointed him his lieutenant of Ireland; where he enjoyed and expended, with great splendor, the revenues of that country.

Mean while Robert Brus, having recovered from a tedious and threatening distemper, made a great progress in subduing Scotland. He defeated this year, on Ascension-day, at Inverury, his capital enemy, the earl of Buchan; and afterwards destroyed his lands with fire and sword. His brother Edward routed Donald of the Isles, near the river *Dee* ‡. Afterwards Robert gave a defeat to the men of Argyle, and took the castle of Dunstaffnage; the lord of which, named Alexander, and others, who refused to submit to Brus's dominion, were suffered by him to pass into England. These conquests, though of the greatest moment to Brus, and the beginnings of a prosperity that never afterwards forsook him, were the less alarming to the English, on account of their distance from their frontier; and the project of Edward's expedition, if real, did not this year take effect.

June 29. August 22.

Notwithstanding the intimate connexion of Edward with the king of France, yet the jealousy of increase of power in the rival kingdom of England, induced Philip to favour the independency of the Scots. And the residence of Pope Clement in France, together with the particular obligations of that prelate to Philip, influenced him to conspire with that monarch in all his views. At the same time it was not difficult for either of them to persuade so indolent and weak a prince as Edward, that they were doing him a great favour, in procuring him a respite from his distresses on the side of Scotland. By the mediation therefore of one, or both of them, a truce was agreed from the

* Three thousand salmon to be barrelled.

† Hugh le Despenser, according to the monk of Malmesbury, was the only friend of Gaveston; which proved an introduction to the like favour, afterwards enjoyed by Despenser himself.

‡ Abercromby calls it Deir.

former

Robert Brus, K. of Scotland.

A. D. 1309.

former part of the year 1309, until the ensuing feast of All Saints *. In June, Edward, unable longer to bear the absence of Gaveston, recalled him from Ireland, and received him at Chester with transports of joy. Perhaps the prospect of the confusions, which this return would not fail to excite in England, gave encouragement to the Scots to violate the truce, by renewing hostilities. Edward accuses them of this infraction, in a summons † issued to his military tenants, about a month after Gaveston's return, to attend him at Newcastle, on the feast of Michaelmas, with their military services, to march against the Scots.

July 30. Rym. ib. 147.

In the following month, orders were issued for raising bodies of able footmen in Wales, and in several of the counties, chiefly of the north and west of England ‡, to be conducted to the rendezvous appointed at Berwick, eight days after Michaelmas. These military preparations did not hinder Edward from appointing Rich. de Burgh earl of Ulster, the near relation of Robert Brus, to treat with him about terms of peace and concord. In the end of November, the like powers were granted, at the request of the king of France, (a) as the king's father and friend, and not as an ally of the Soots, to Robert Umfranville earl of Angus, and others; and a short truce was concluded, for agreeing to which, a sum of money is said to have been paid to the Scots §.

August 5. Rym. ib. 157—160.

(a) This is a qualification frequently afterwards adjected on the like occasions.

In

* According to Hemingford, i. 245, the earl of Glouceſter, with two other earls, were ſent by Edward as ſolemn meſſengers to Rob. Brus, on Jan. 23; and Edward alſo ſent certain perſons along with nuncios from the Pope, to treat of a truce. Hemingford ſays, in the ſame place, That Robert being fully recovered, began to make great havoc in Northumberland. On 4th March the king grants a ſafe conduct to Oliver des Roches, a meſſenger from the king of France to the biſhop of St. Andrews and Robert Brus; to which meſſenger Edward gave Gilb. de Hall, his ſerjeant at arms, to be his conductor to and again. Rym. ib. 127.

† In this ſummons he ſays, That the truce had been granted to the Scots, at the requeſt of the French king.

‡ Of theſe foot, Yorkſhire was to furniſh one thouſand, and Northumberland four hundred. The king had requeſted the patriarch of Jeruſalem, to ſend from his biſhopric of Durham three hundred, and two hundred out of his liberty of North Tindale. Commanders were alſo appointed over the different quarters of Scotland, for leading the king's faithful ſubjects in them to reſiſt Robert Brus.

The weakneſs of Edward's adminiſtration, with regard to Scotland, appears from the frequent changes of his guardians and commanders there, during the latter part of this year. In Auguſt, commiſſions of guardian, and chief captain, were given to Rob. de Clifford, and Gilb. de Umfranville; and the king ordered Bevercotes, his chancellor in Scotland, to acknowledge and obey either of them, who ſhould aſſume the office, Aug. 20. In September, the earl of Glouceſter and Hertford was made captain of the king's army on both ſides of the Scottiſh ſea; and in October, J. de Segrave was guardian of Scotland. In December, Rob. de Clifford was made guardian of Scotland, and the earl of Glouceſter appointed captain in an expedition into Scotland, to raiſe the ſiege of the caſtle of Rothergle (I ſuppoſe Rutherglen, commonly Ruglen.) Hemingford ſays, That the king ſent to Carliſle the earl of Herford (Hertford) and lord Robert Clifford, for defence againſt the Scots; alſo the Lord Henry Beaumont to Berwick, who, after many miſchiefs committed by the Scots on the borders, did, by giving money, conclude a truce with them till the morrow of Hilary, p. 246.

§ In the end of this year (1309), Henry de Percy obtained a grant from the patriarch biſhop of Durham, of the barony, caſtle, and town of Alnwick, which the biſhop is ſaid to have received from Veſey, its late lord in truſt for his baſtard-ſon. The bargain, however, was carried on with the approbation of the king; who, early in the following year, gave his charter

Edward II. K. of England.

A. D. 1310. March 13.

In the beginning of the year 1310, William bishop of St. Andrews, and Robert Umfranville, were at the head of a commission given to six persons to negociate a truce with Edward's enemies in Scotland; which truce Edward is said to have granted them, at the instance of the king of France *. Soon after, John de Segrave was invested with the guardianship of Scotland, on both sides the Scottish sea. He was obliged, as some of his predecessors in that office had been, to keep in his family sixty men at arms, for whom the king allowed him pay; and the inhabitants of Northumberland, Cumberland, Lancashire, and Yorkshire, were required to give him attendance and obedience. Edward was inclined to embrace any means of obtaining a temporary quiet in Scotland, on account of the strength and violence of the party that opposed his favourite Gaveston; for this party had sufficient power in the parliament, which met at Westminster in Lent, to oblige the king to confer on twenty-one persons, prelates, earls, and barons, full authority to *ordain* every reformation that to them appeared requisite in the king's household and kingdom; whence they were called *Lords Ordainers.*

It is not known for how long a term the truce with the Scots was concluded; but from the date of Edward's preparations *for an expedition against them*, they seem to have renewed hostilities on the return of summer †. For in the middle of June, measures were taken for sending a fleet to the relief of the English garrison in Perth ‡; and the maritime towns of England were requested to fit out ships, each according to its ability, amounting in all to forty, for transporting from Ireland a body of forces, under the earl of Ulster, who were coming to the king's aid in his intended expedition. In the beginning of August, Edward was at Northampton, where he issued summons to his military tenants, to be at Berwick, with the service that each owed him, on the day of the Virgin's nativity (Sept. 8). He also, while there, made a change in his orders to his fleet; commanding them, instead of sailing to Ireland, to sail directly to the parts of Scotland to which they were to have car-

Rym. ib. 211.

confirming it (Rym. iii. 184—199). And thus was this noble race, eminent in the more southern provinces since the conqueſt, introduced into Northumberland, where it ſoon attained the firſt degree of wealth and dignity; and where, after ſuſtaining many of the hardeſt ſtrokes of adverſe fortune, alternated with the higheſt proſperity, it hath, in our days, emerged from long depreſſion and obſcurity, with a moſt conſpicuous and amiable luſtre.

* Philip, king of France, ſays ſo in a letter to Edward, written on the 7th of July enſuing. It is remarkable, that Philip, in that letter, mentions the *king of Scots* as a party in the truce; although in the preceding year Edward had complained to Philip of Mahon de Varennes his envoy having, in his letters to Robert Brus, given him the title of earl of Carrick, and *king of Scotland.* Rym. iii. p. 150—215.

† Theſe hoſtilities, and the meaſures neceſſary to be taken for oppoſing them, prevented an interview, which was to have been held at Pontoiſe, between the kings of France and England, fifteen days, or three weeks after midſummer. Edward ſent envoys to Philip, to excuſe his failure in this meeting, and to inform him, that the infraction, on the part of the Scots, of the truce granted them at Philip's inſtance, was the reaſon why Edward could not leave his kingdom. Philip, in his anſwer, blames the Scots for not regarding either their own, or his honour; and tells Edward, he was immediately to ſend ſpecial meſſengers, to remonſtrate to them, concerning their behaviour, as it deſerved *(qui ſuum et gentium ſuarum in præmiſſis, defectum ſummopere ſibi referent, ut decebit.)*

‡ John Fitz-Marmaduke was its governor, and Alexander Abernithi was king Edward's general between the Scottiſh ſea and the mountains. Rym. ib.

ried

ried the Irish; and to join with John of Argyle, and others of the king's subjects, who were to meet them at sea, in order to attack and distress the king's enemies, at such places and times as they should find most convenient.

Robert Brus, K. of Scotland.

1310.

In September the king entered Scotland, by the eastern march, with a great army *. He appointed, while at Newcastle, Henry de Lacy, earl of Lincoln, to be guardian of England, during his absence. Besides this great earl, there remained at home the earls of Lancaster, Pembroke, Warwick, and Hereford, intent on framing ordinances for depressing the royal power, and for separating the king from his favourite, the earl of Cornwall; whom they abhorred so much, that they would not follow the king in an army where he was present. Their services, however, were there; though probably far from complete. The earls of Gloucester and Warrene, the lords Henry Percy, James Clifford, with many other nobles and barons, were in person with the king; who led his army as far as the Friths of Forth, and perhaps of Clyde; destroying and ravaging the lands and houses of his enemies, while they, without hazarding a general engagement, made sudden and fierce attacks from their woods, caves, and morasses, on marauding or foraging parties. In one of these rencounters, three hundred English and Welchmen were cut off, before sufficient numbers could arrive to their aid. But scarcity of provisions, and severity of weather, obliged the English king to return to Berwick early in the winter †; and he spent the remainder of the season in that town, accompanied by his queen and nobles.

Rym. ib. 225. Hem. i. 247, 248. Ford. l. 12. c. 18. Mon. Malm. p. 106.

Soon after Edward's arrival at Berwick, he wrote to the earl of Flanders, complaining of certain piracies that had been lately committed by subjects of the earl and their accomplices on the subjects of England; by the terror of which piracies, the ships that were employed to carry provisions to the king and his army, from the southern parts of his dominions, were hindered from putting to sea. Edward had also discovered, that some of his subjects, from love of gain, or encouraged by the discontented barons, had conveyed to the Scots, provisions and military stores; all which pernicious and disloyal traffic he prohibited by proclamation, under the severest penalties. Being also informed of a project of Robert Brus, to make a descent on the Isle of Man in the course of the winter, with all his shipping from the *Western Isles* of Scotland, he ordered the sheriffs of the western counties of England, to give their aid to Gilbert Macksky, the steward of the bishop of Durham in that island, for its defence ‡. Sheriffs were also ordered, every where, to seize certain malefactors belonging to the same island, who were adherents to Brus, and had done many mischiefs to the king and his friends.

* He was at Roxburgh on the 20th of September. Rym. ib. 225.

† Hemingford says, That he advanced as far as the Scottish sea. According to Fordun he came to Renfrew; but before he had effected any thing of moment, returned to England. Dates of papers in Rymer, shew him to have been at Biggar and at Linlithgow in October. By the same evidence, he was at Berwick Nov. 10. There was this year so terrible a dearth, and scarcity of provisions in Scotland, arising from the havock of war, that many were obliged to feed on the flesh of horses, and other carrion. Rym. iii. 226—230.

‡ Hist. Dun. says, That the bishop had the Isle of Man during his life, by the gift of the king. Ang. Sac. i. 754.

In

Edward II. K. of England. A. D. 1311.

In the following February, the king wrote very earnest letters to Pope Clement and his cardinals, requesting that Wishart bishop of Glasgow, whom the king had lately sent from an English prison to the Pope's court, might not be suffered to prevail in his solicitations, to be sent over to Scotland in his former station; as he had been a capital enemy and traitor to the king and his father, and his return would be particularly hurtful to the king in his present expedition. A prelate, who was no less a distinguished object of the royal favour, than the other was of his resentment, died in the beginning of March. This was the opulent and magnificent partriarch-bishop Anthony de Bec. He died at Eltham, where he had built a splendid house, of which he made a present to the queen *. The election of his successor Richard de Kellaw, a monk of the convent of Durham, was approved, and the temporalities of the bishopric conferred on him by the king, during his residence at Berwick †.

March. 3. Ang. Sacr.

April 11. May 20.

Carte, ii. 318

The death of Henry de Lacy, earl of Lincoln, in the beginning of February, made a great addition to the wealth and power of the earl of Lancaster, already far too great; for Lancaster having married Lincoln's daughter and only child, succeeded to his earldom and estate. The king, in March, committed the guardianship of England, during his absence, to his nephew the earl of Gloucester. About the same time he made an *inroad* into Scotland, and met with no opposition; but want of force obliged him to return to Berwick. He afterwards continued there in person, and gave the command of the chief part of his army to his favourite the earl of Cornwall; affording him, by this trust, an opportunity of acquiring military glory. Gaveston is said to have given sufficient proofs of courage and conduct in this expedition; for he led his army across the Frith of Forth, and for many days endeavoured to find out his enemies, and bring them to a battle; but without effect, as the Scots retired to inaccessible mountains and bogs.

March 4, Rym. ii. 253.

Hem. i. 248.

Whatever inconveniences attended the situation of the king at Berwick, it was much more agreeable to him, than the business that awaited him in his capital. This was to hear and ratify the *ordinances*; which drove from him his favourite ‡ into perpetual exile; while they provided remedies for divers abuses, they did, at the same time, in several respects, abridge the constitutional power of the crown. For this purpose a parliament met in August, in which the king, yielding to a compulsion he had not strength to resist, confirmed the

* After the death of Anthony de Bec, the lord Henry Beaumont had a grant made to him of the Isle of Man to hold for life, by the services which the lords thereof had usually performed to the kings of Scotland; and about this time took to wife Alice, one of the cousins and heirs of John earl of Buchan (Boghan) constable of Scotland. In 6 Edward II. doing his homage, he had livery of the lands of her inheritance. Dugd. ii. 50 These were in the county of Leicester, and had been acquired by Alexander earl of Buchan, in Henry III.'s time, by his marrying Elizabeth, one of the daughters and heirs of Roger de Quinci earl of Winchester. Id. i. 685, &c.

† This bishop courageously repressed certain robbers, called Shavalds, who committed outrages in the bishopric. The bishop's men slew one of these (*Shavaldus vel prædo*), John of Werdale, in the Holy Island; for which the king, irritated at the bishop for not supporting his favourite Gaveston, fought, but in vain, to have the bishop's brother put to death. Ang. Sac. i. 756.

‡ One of the charges against Gaveston, in the ordinance for his banishment, is, That he conducted the king into a land of war, without the common consent of his barons.

articles

articles proposed by the lords ordainers; and Gaveston immediately passed over to Flanders *.

Robert Brus, K. of Scotland.

1311.

The chief measures taken by Edward before he left Berwick, for carrying on the Scottish war, were, the appointment of John of Argyle to command the fleet, which the king had ordered to sail from several ports of England towards the coasts of Argyle and Inchgale, and the summoning of thirty-eight barons, chiefly of the northern parts of England, to be at Roxburgh at Lammas †, with their military service for an expedition against the Scots. Any thing that was done in consequence of these orders, did not avail to hinder Robert Brus from taking the field with his forces soon after Edward left Berwick. Entering England by the Frith of Solway, he ravaged Gillesland, and a great part of Tindale ‡; and returning in the following month by Redesdale, he over-ran the country as far as Corbridge, and falling again into Tindale, seized whatever had been left in the former incursion. The mischiefs suffered in these inroads, and to a continuance of which the Northumbrians remained exposed, induced them to give 2,000*l.* for a truce till the following Candlemas.

Rymer, ib. 265. 271.

The civil broils of England, and probably a secret friendly correspondence between Robert Brus and the faction that opposed the king, afforded Brus the opportunity, which he had wisdom and courage to improve, of completing the reduction of Scotland. He regained this year the strong fortress of Dumbarton from Sir John Menteith, the betrayer of Wallace. Early in the year following, he took Perth by scalade in the night. The Scots in the town who had been traitors to him, were put to the sword; but most of the English were spared. Soon after, David earl of Athol, Alexander de Abernethy, Adam de Gurdon, with three others, were commissioned by Edward to negociate a truce with his enemies in Scotland. But this negociation did not prevent a new inroad of Brus into England, wherein the like violent deeds were committed as in the former: and the unusual number of Brus's forces in this incursion, made Edward apprehend that he purposed to besiege Berwick.

A. D. 1312. Ford. l. 12. c. 18, 19. Rym. ib. 300. 304. Ibid. 313.

The unhappy monarch, notwithstanding all the distress he suffered from the Scots, and from his own headstrong barons, could not conquer his attachment to Gaveston. This favourite returning from Flanders, came in January to the king at York, when the king reversed the whole sentence that had been passed against him; and re-instated him, so far as he was able, in all his honours

* This parliament also obliged the king to remove from his court the lord Henry de Beaumont, and his sister the lady Vesey. The extravagant grants made to them were resumed; and in particular, the castle of Bamburgh, was taken from the lady. Carte, ii. 320. from Parliament Rolls. It was given to the lord Percy. Dugd. i. p. 273.

† They had been summoned to be at the same place on Midsummer-Day. But it is not told how that appointment had failed, or been changed.

‡ Edward, Oct. 17. sent to Pope Clement, a letter of excuse for Rich. de Kellaw, the new bishop of Durham, not attending the general council of Vienne, giving as the reason the necessity of his presence at home, for defending his territories against the incursions of the Scots in the winter, who coming forth like wolves out of their dens after the king left their neighbourhood, had invaded England in divers parts of the march, committing their ravages without sparing the innocent, sex, age, or what was still more lamentable (*prob dolor*: he is writing to the Pope), the immunity of ecclesiastical liberty. The like excuse he makes to the French king for putting off an intended interview with him at Boulogne. Rym. ib. 283.

and

Edward II. K. of England.

1312.

and estates. In April, the king with his favourite came to Newcastle, to be more at hand for repelling the Scots; and at a safer distance from the barons, who having chosen Lancaster for their leader resolved to enforce by arms their ordinances against Gaveston, which Edward had pretended to annul*. In the beginning of May, Lancaster accompanied with the lords, Henry Percy, Robert Clifford, and many others, came by surprise upon the king and his minion at Newcastle. With difficulty they made their escape to Tinmouth. and thence by sea to Scarborough. Gaveston being left there by Edward, as in a place of security, was immediately besieged by the earl of Pembroke, Henry Percy, and others, and was soon obliged to surrender himself to Pembroke and his followers, on terms which other heads of the junto, Lancaster, Hereford, and Arundel, not approving, they took him out of their hands and put him to death as a traitor †.

Rym. ib. 317, 318.

July 1.

These intestine troubles of England insured to Robert Brus the continuance of that success with which the year had opened. He took the castles of Bute, Dumfries, Dalswinton, and many other fortresses in his own kingdom; and that they might no more be the dangerous receptacles of rebels or foreign foes, he rased them all to the ground. About the middle of August, having invaded England, he burnt the towns of Hexham and Corbridge, and ravaged the country on that side. He led his forces so secretly and rapidly into the bishopric of Durham, that the inhabitants were surprized in their beds, and great part of the city of Durham was burnt. In this expedition, sir James Douglas took and spoiled Hartlepool, and many captives were carried away from that town and other places of the county. To rescue themselves from still greater destruction, the inhabitants paid the Scots 2,000*l.* ‡; in consideration of which, they were also to have a truce until Midsummer of the following year, but were not to disturb the Scots passing through their province, if they chose to advance farther into England. The same conditions were granted to the people of Northumberland, and also to those of Cumberland and Westmoreland; but the people of the two last named counties being unable to advance the whole sum, gave hostages for the deficiency. Robert also did this year attempt to surprise Berwick (by a scalade); but after ladders of ropes were applied to the walls, the garrison, being alarmed by the barking of a dog, obliged the assailants to retire with some loss.

Hem. i. 262. Ford. l. 2. c. 245. Ang. Sac. i. 756.

* The monk of Malmſbury relates, That Edward requeſted Robert Brus to afford Gaveſton a retreat in Scotland, until the violence of the Engliſh barons ſhould ceaſe, or until ſome other place of ſafety could be provided for him, accompanying his requeſt with the moſt tempting offers of confirming to Robert his right to the Scottiſh crown, to which Bruce is ſaid to have replied, that he could have no confidence in the promiſes of a man, who had violated his engagements confirmed by oath to his own lieges, p. 117, 118.

† Lord John Moubray being at this time ſheriff of Yorkſhire and governor of the city of York, was commanded by the king to ſeize Henry Percy, for having ſuffered Piers de Gaveſton to make his eſcape out of Scarborough caſtle, in which the ſaid Henry undertook he ſhould be ſafe kept, having rendered himſelf to him on that condition. Dugd. i. 126.

‡ Grayſtanes, in Hiſt. Dun. ſays, the ſum paid to the Scots was 1000 merks. He ſays, the biſhop was then at London at the parliament (but there was no parliament during this year of confuſions), Ang. Sac. p. 756.

The

Robert Brus, K. of Scotland. 1312.

The happy birth of Edward, afterwards the Third, at Windsor, about Martinmas * having made the king more placable, and also more formidable to his barons, and the earnest mediation of the Pope and king of France being interposed, an agreement was concluded between Edward and the insurgent lords about Christmas: and it was an article of this agreement, that the lords should give their influence and consent in parliament for obtaining to the king a sufficient aid from all his kingdom for his war of Scotland. But before any effectual measures were employed for this purpose, Robert and his brave generals obtained new and conspicuous advantages.

Rym. ib. 366.

A. D. 1313. Ford. l. 12. c. 19. Barbour. Robert Brus, 206—211.

On the evening of Shrove Tuesday, in the succeeding year, the garrison of Roxburgh †, while indulging themselves in the usual riot of that festival, were surprised by Sir James Douglas, who, accompanied by a few resolute men, mounted the walls on ladders of ropes. The cry of *Douglas*, in an instant quashed the noisy mirth of the English, of whom many were soon killed. The governor ‡ retired into the great tower with a few of his men, but two days after, being sore wounded in the face by an arrow, he made a surrender of himself and his companions, on condition of their being conducted into England. This was performed, and the governor soon after died of his wound. The Scottish king being informed of this exploit, immediately sent his brother Edward to demolish the fortifications, which was soon effected by the united labours of many hands. All Tviotdale was hereby reduced to the king's obedience, except Jedburgh, and some other places that lay nearest to England. Very soon after, Thomas Randolph, the king's nephew, took the castle of Edinburgh by an adventurous surprise §; for, after climbing a hideous rock in a night of thick darkness, a ladder was applied to a low part of the wall; and Randolph himself was the third of a band of thirty who mounted it. These successes seem to have made Edward tremble for Berwick, for he soon after sent an order to Edmund de Hastings, governor of that town and constable of its castle, to deliver Isabel the widow of John late earl of Buchan, to Henry de Beaumont, to whom the king had given particular orders for guarding her.

March 14.

Rymer, ib. 401

Edward Brus, king Robert's brother, emulous of the glory of Douglas and Randolph, laid siege to the castle of Stirling, and carried it on with great assiduity and courage; but the extraordinary strength of that fortress, and

* On St Brice's day, Nov. 13. M. M.

† The Cowpar and Perth MSS of Fordun, have Marchmond instead of Roxburgh. Ford. l. ii. p. 245. Not.

‡ Barbour calls him Gilmyn de Fynys. Barbour relates, that Douglas and his company had covered their armour with black frocks, and creeping in the neighbourhood of the castle on all four were taken by the centinels of the garrison for cattle. The maker of the ladders and the first who mounted them, was Syme of the Leadhouses, who was also the messenger sent to king Robert with tidings of the castle being taken. Leland's extract from Scal. Chron. calls the governor of Roxburgh, Gilleminge de Fenigges knight and Burgundian (Chevaler and Burgonion.) Lell. Coll. i. 546.

§ The keeper of Edinburgh castle and sheriff of the county, was Pers Lelande, who, according to M. Malm. betrayed the castle to Robert Brus, and entered into his service; but Robert afterwards suspecting him of treachery, condemned him to be hanged and drawn. M. Malm. p. 145. Lel. Coll. ii. 546.

Edward II. K. of England. 1313.

the prowess and vigilance of Sir Philip Moubray its governor, defeated all the efforts of the besiegers. Edward therefore came to an agreement with Moubray on Midsummer's Day, that if the English did not relieve it before the expiration of a twelvemonth from that day, it should be delivered to his brother the king of Scotland *.

Edward having affairs to settle with the king of France respecting the duchy of Aquitaine, and being invited by that monarch to come over, together with his queen, to be present at the solemnity of conferring knighthood on Philip's three sons, of whom Louis the eldest was king of Navarre; the English king and queen crossed the sea from Dover in the end of May, and remained in France to the middle of July. Edward there took the cross for an expedition to the Holy Land, along with the king of France and his sons; and a closer friendship than had before subsisted, was now cemented between the monarchs. To obtain some quiet to Edward's kingdom during his absence, Philip had in May sent envoys both to the courts of England and Scotland, to solicit and assist in negotiating a truce; for treating of which, Edward named as his commissioners Robert de Umfranville earl of Angus, and three others.

Rym. iii. 347, 348. Dan. iii. 347, 348. Rym. ib. 410. 412.

It is probable, that this truce hindered any remarkable inroads into England during this year; but it did not prevent Robert Brus from reducing the Isle of Man, the lordship of which he conferred on his nephew Randolph; and it is said, that by invading this and other islands he trained his men to fight on foot, which proved of the greatest use to him in his great battle with the English in the following year. Edward, after his return from France, either diffident of the Scots keeping the truce, or that he might be prepared to resist an invasion which he had no doubt of their making, immediately after the truce expired, asked loans of money from his clergy both secular and regular, to enable him to defend his kingdom. Soon after, he held a parliament, in which he perfected the work of reconciliation with his great lords. Pardons were given to all who had been concerned in the destruction of Gaveston; and the parliament granted a supply of a twentieth from men of estates in land, and of a fifteenth from burgesses, for carrying on the Scottish war.

Ford. l. 12, c. 19. not.

Carte, ii. 332.

The Scots who adhered to Edward, were now brought to the greatest distress by the continued successes of their enemies. They also laboured under grievances from the oppressions of some of Edward's ministers or officers. To represent their sufferings and solicit aid and relief, the earl of Dunbar and Adam Gordon, came, in the beginning of Winter to the court of England. Edward immediately gave orders for remedying the abuses of his officers, and enforced his earnest exhortations to his people of Scotland, to persist in their loyalty, by giving his promise to be at Berwick about the midsummer of the ensuing year, with an army sufficient for effecting their relief.

Rymer, iii. 463.

A. D. 1314.

In an English parliament that met in the first months of the following year, the king refused the demand of the lord's ordainers, to put in execution cer-

* This agreement is mentioned in the order of Edward to sheriffs and others, May 27, 1314. Rym. iii. 481.

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tain articles which entrenched on his authority; for which reason the earl of Lancaster *, and some other nobles of his faction, did not accompany the king in his Scottish expedition. The king, however, firm in his purpose to make good his promise to his Scottish subjects, and to relieve his faithful garrison of Stirling, prepared diligently for his expedition both by sea and land. He summoned the Irish chiefs, to bring their men to his service under the earl of Ulster. The command of his fleet, to be employed in the expedition, he gave to John Shermy and Peter Bard, and in the end of March he appointed Aymer de Valence earl of Pembroke, long experienced in the wars of Scotland, to be his guardian and lieutenant in that kingdom, until he should arrive there in person †.

Robert Brus, K. of Scotland. 1314.

March 22. Rym. ib. 475. 6, 7, 8.

As Edward's chief object in this expedition was the relief of Stirling-castle, Robert Brus, animated by his past successes and confiding in the bravery of his troops, resolved, for preventing this relief, to hazard a battle. But, not less wise than bold, he employed, where so much was at stake, every precaution to secure a prosperous event. In particular, he resolved to avail himself of an advantage which he perceived given him by the nature of certain grounds lying near the castle, and just on Edward's way to it. These grounds were remarkably commodious for posting the Scottish army, greatly inferior in numbers, and especially in horse, to that of the English. About the end of May, Edward having received intelligence of Robert Brus's purpose to await him on this ground, sent orders to the sheriffs and others having authority in several counties of England and in Wales, commanding them under the highest penalties, *to urge, hasten, and compel*, bodies of able footmen from each of their districts to march towards him ‡, so as to be at Wark on the tenth of June, sufficiently armed and prepared to march thence against the king's enemies, and for rescue of Stirling-castle. Those bands of foot, which the king did now with so much earnestness call for, should, if former orders had been obeyed, have been with him some days before these last orders were issued §.

May 27. Rym. ib. 481.

On the sixth or seventh day before Midsummer, Edward set out for Berwick with an army of about 100,000 men ‖. As this army could draw no supplies from

Mon. Malm.

* Beſides Lancaſter, Walſingham mentions Warwick, Arundel, and Warren.

† Orders are given to Ralph Fitz-William keeper of Berwick upon Tweed, and to all men at arms, whether horſe or foot, within its fortifications, to be *intending* and obedient to ſaid guardian. Rym.

‡ Edward's information was, that 'the Scots were aſſembling a great army of foot in ſuch 'ſtrong and mooriſh places on his way to the caſtle of Stirling, as would be of difficult acceſs 'to horſe, and made the aſſiſtance of able-bodied footmen requiſite.' Rym.

§ The whole number of theſe footmen was 21,830; whereof there were 4000 from Yorkſhire, 2500 from Northumberland, biſhopric of Durham 1500, Nottingham and Derby 2000, &c. Rym ib.

‖ According to Barbour, Edward had above 100,000 men, of whom 40,000 were horſe; and of theſe (*a*), 3000 having complete armour for horſes and men, (with helyt horſe in plate and mayl, Barb. 226.) were to be placed in the front of the battle. Of archers, there were 52,000. Theſe arriving at their rendezvous at Berwick, were partly lodged within the town and partly in tents

(*a*) The Monk of Malmeſbury ſays, that of the Gens d'Armes there were more than 2000.

Edward II. K. of England. 1314.

from a country desolated by war, and at this time purposely evacuated of every thing, a great multitude of carriages were requisite for provisions and baggage, in so long a march *; but the number of carriages, as the Scotch authors relate, was much increased by many implements of luxury and splendour, which soon afforded a rich spoil to the conquerors. On the evening of Sunday the twenty-third, the van of the English coming up to the Scots in their strong post nigh Stirling, there was a rencounter, wherein the Scottish king killed Sir Henry Bohun, by cleaving his head with a battle-ax. A party also of English *horsemen* (*a*), under the lord Robert Clifford, who were endeavouring to pass by the Scottish army, forced their way to the castle, were attacked by a body of spearmen under the earl of Murray, and, after a sharp conflict, put to the rout †.

Barbour, 238, 246.

(*a*) Men of arms. (Leland)

These successes on the eve of the day of battle, gave animating hopes to the Scots of the happy event of the day itself. Robert, with his lords and chieftains, failed not to improve them for that purpose; nor did they omit any means to inflame the martial ardour of their followers, and at the same time to procure every solid advantage that served to ensure victory. By fasting, prayers, and confession, on the Sunday, and by receiving mass on the morning of the day of battle, they were prepared, if they could not conquer, to fall as martyrs for their country. The danger of all ranks of persons in the army was as much as possible made equal, by all fighting on foot. The leaders, Randolph of the van, Edward Bruce of the right wing, Sir James Douglas of the left; and of the rear the king himself ‡, to direct the whole, and give aid wherever he saw it needful; were all persons of the most approved military skill and valour, and of course possessed the entire confidence of the army. The

without it. They were divided into ten bodies of ten thouſand each, with captains of approved valour at their head. The earls of Glouceſter and Hereford led the van. Beſides theſe, there was a body commanded by the king in perſon, whereof the chiefs under him, were Sir Giles d'Argentein and Sir Aymer Valange, i. e. Aymer de Valence earl of Pembroke. Having thus divided his army, he began his march from Berwick, (Barb. p. 227. l. 119.) covering a great tract of country which ſhone with arms and enſigns. The rendezvous appointed by Robert Brus for his men was the Torwood, where there were aſſembled more than 30,000 fighting men, (Ib. 33, 34.) Theſe he divided into four battles, and conducted them on the Saturday before the battle, to the place he had choſen on account of its natural ſtrength and of its ſituation with regard to the caſtle, the Engliſh being obliged to paſs thither either cloſe by it or through a moraſs.

* The multitude of carriages, if extended in a line, would have occupied the ſpace of ſixty leagues. M. Malm. He adds, that the whole company confeſſed, that ſuch an army had not in our time gone out of England, p. 147.

† Barton ſings, *Dira dies ſolis pandit primordia molis.* Neither Boece nor Buchanan mention this ſkirmiſh on the Sunday, but confound its events with thoſe of the great battle.

Lel. Coll. i. 546.

In Lell. Coll. this party is ſaid to conſiſt of 300 under Clifford and Henry Beaumont. In this rencounter, the ſame author ſays, that William Dayncourt knight was ſlain, and Thomas Gray taken.

Mon. Malmeſbury ſays, that in this ſkirmiſh the earl of Glouceſter was thrown from his horſe.

‡ Each of them was furniſhed ſays M. Malm. with a light armour, that a ſword could not eaſily penetrate. They had an ax at their ſide, and carried lances in their hands. Their forces moved alſo as thick as an hedge, p. 149.

According to Holingſhed in Hiſt. Sc. Thomas Randolf and James Douglas, captains of the Fore-Ward had under them 7000 of the borderers, and 3000 of the Iriſh Scots, otherwiſe called Katerans or Red Shanks; theſe no leſs fierce and forward, than the other provident and ſkilful.

ground

ground on which they were drawn up, by high rocks on one side, a morass on the other, and the rivulet of Bannockburn in their front, afforded a strong defence against the attacks of the English horsemen, so formidable for strength and numbers; and where these natural advantages were wanting, pits were dug in the ground, sharp stakes fixed in them, and the mouths of the pits so well covered with turf and rushes, that the English could not perceive them, till they gave way under the weight of their horses *.

Robert Brus, K. of Scotland. 1314.

The English army being on Midsummer eve at so small a distance from their enemies, were, from the hazard of an attack in the night, obliged to pass it sleepless, under their arms †; which made a great addition to the toil of their march from Berwick. The more experienced English commanders were of opinion, that the battle should be postponed, and the army allowed to *rest* and refresh themselves on the following day, especially as it was a high festival; but the king hearkening to the younger and more forward, who were also irritated by the affront and loss just related, and thinking his honour deeply concerned to raise the siege of the castle of Stirling, resolved to give battle on the morrow.

In the English army, the foot, consisting of spearmen and archers, were placed on the van, and the horse at some distance backward, on the wings. In the beginning of the battle the conflict was fierce, and sustained with much vigour on both sides. The earl of Gloucester, whose corps was attacked by Sir James Douglas, seeing the English shaken, and being impatient of a doubtful battle, rushed, with some of his knights accompanying him, on the thickest of the enemy. But the Scots repelling the attack with great vigour, the earl was beaten down from his horse, overwhelmed by a surrounding multitude of foes, and slain ‡. The covered pits, the effect of which was soon manifest, deterred or frustrated the efforts of his knights to rescue him §; and some of them shared the fate of their lord. Sir *Giles d'Argentein* ‖, a knight

Walf. Hift. 105. M. Malm. p. 149. J. de Trokflowe, p. 25.

* *Machina plena malis pedibus formatur equinis,*
*Concava cum palis, ne pergunt abſque ruinis.* Barton.

† One Alexander Seton a Scot, who was in king Edward's hoſt, came over privily to Robert Brus in the night *time*, and told him, that if he began the attack early in the morning he ſhould eaſily overcome the Engliſhmen. Lell. Coll. i. 547.

‡ Others ſay, that the earls of Glouceſter and Hereford contending for the honour of leading the van, the former ſprung forth from the Engliſh hoſt, and not being in time followed and ſupported by his knights was overwhelmed and ſlain. M. M. 150.

§ The Monk of Malmeſbury curſes the earl of Glouceſter's knights, *(confundat eos Dominus)* for giving ſuch ineffectual aid to their lord. The number of them, he ſays, was five hundred, twenty might have ſaved their maſter, p. 149, 150. The earl of Glouceſter was ſlain, on a horſe of high price preſented to him, as he marched northwards, by Richard de Kelaw biſhop of Durham; who, on this occaſion, regained the king's favour by the gift of 1000 merks, together with that horſe. Ang. Sac. i. 756. Barbour ſays of Glouceſter:

He was the third beſt knight perſay,
That men knew living in his day. Ib. p. 273.

‖ *Ægidius de Argenteyn, miles ſtrenuus et in re militari multum expertes dum, frænum regis regeret, et caſum comitis aſpiceret, &c.* Mon. Malm. 150. In Leland's Collectanea, he is ſaid to have come of late from the wars of the Emperor Henry of Luxemburgh, 547. Boethius ſays, that Robert Brus knew him well, and expreſſed ſuch regret of his death as offended his nobles.

Barton

Edward II. K. of England. 1314.

a knight of great renown, who, with the earl of Pembroke, commanded the Gens d'Armes that guarded the king, advanced boldly to rescue Gloucester, but he also fell in the attempt. A similar fate had Robert de Clifford, (a) *Payen de Tibetot*, William Mareschal, Edmund Mauley, and other eminent warriors. By the fall of men so conspicuous for rank and prowess, the English army was not a little intimidated and weakened. The baggage men of the Scottish army increased the dread of their adversaries, by drawing up in martial array on some high grounds behind the army, and displaying the resemblance of banners by pieces of linen waving on the ends of spears. The English archers, who so often determined victory on the side of their countrymen, are said to have been attacked in flank, and dispersed by 500 Scottish horsemen, armed in steel and mounted on light horses, having at their head Sir Robert Keith the marshal of Scotland.

(a) al. Pagan Tiptoft.

Barbour.

These circumstances engaged those who were about the king, to entreat him to consult his safety by abandoning the field, which he did, with the utmost reluctance. He first moved towards the castle of Stirling, the governor of which would not receive him, because he had stipulated, if not relieved that day, to surrender his castle to the Scottish king. The royal standard's moving from the field, was followed by the universal rout and dissipation of the English army *; of which considerable numbers were, in their precipitate flight, drowned in the rivulet of Bannockburn †, and in the river of Forth, besides those who were slain and made prisoners; and of these the numbers would have been much greater, if the Scots, instead of pursuing, had not instantly fallen to plunder the baggage and stores of their enemies; by which many of them were enriched. Of the Scottish army only two knights are said to have been slain, William Vipont and Walter Ross.

The king, accompanied by a strong body of horse, directed his flight towards Berwick. Sir James Douglas pursued him, but with such inferior strength, that he could only harass him, and seize those who fell off from his company. The king, however, took shelter for his own person in the first place of strength that was friendly. This was the castle of Dunbar, whose lord was still on the side of England ‡. From Dunbar he was conveyed by sea to Bamburgh, or Berwick. It is certain, he was at Berwick on the third day after the battle; for on that day, he issued from that place a proclamation, informing his sub-

June 27.

Barton celebrates the fall of d'Argenteyn with a particular pathos;

*Nobilis Argentin, pugil inclite, dulcis Ægidi,*
*Vix scieram mentem cum te succumbere vidi.*

He also mentions the others that are named in the text.

* Two hundred knights and more, who had not drawn their swords, nor given a blow, were turned to flight. Mon. Malm. 151.

† The Monk of Malmesbury says, that many of them were swallowed up in the ditch of Bannockburn. Barton says, *Multi merguntur*, and another, *Forth sepelit multos armis et equis bene cultos.* And *Bannock habet limus quorum nec nomina scimus.*

‡ He soon after forfook the English interest; for, in the ninth of Edward's reign, Henry de Percy obtained a grant of all those fees in Northumberland, which the earl had forfeited by his rebellion, Dugd. Bar. i. 273. The lord Percy, to whom this grant was made, was a youth of sixteen years, who had the year before succeeded to the honours and great estate of his father. The earl of Dunbar died in 1315, or 1316, and was succeeded by his son Patrick. Dugd. Peer. p. 440.

jects

jects that he had lost his privy seal *, and warning them not to regard any orders that should appear under it, unless such orders were otherwise confirmed, or were evidently for the king's honour and interest. Robert Brus. K. of Scotland. 1314.

The castle of Bothwell being still in the hands of the English, Humphrey de Bohun earl of Hereford fled to it; but the castle was soon yielded to Edward Brus, and Hereford made a prisoner, with others who had taken refuge in the same. John de Segrave, Maurice de Berkley, John de Giffard, John de Wilyngton, with twenty-two other barons, and bannerets, and sixty-eight knights, were taken, and paid great sums for their ransom. Seven hundred gentlemen were missing after the battle, of whom it afterwards appeared that far the greatest part of them were prisoners. The rout of the English was indeed very entire; but neither the number they brought to the field, nor the loss they sustained, appears to have been nigh so great as the Scottish writers represent them. Stirling was, on the day after the battle, rendered to the Scottish king. Moubrai the governor became his vassal, and ever after served him faithfully; and the castle was demolished. By this victory, stability was given to Robert's throne; and an ascendant gained by the Scots, which rendered them terrible to the English during the sequel of the war between the nations.

The Scottish king shewed great moderation in the use of his victory. He treated the prisoners with humanity, and took care that the bodies of persons of rank who had fallen in the battle, should be decently buried. He freely sent to Edward while at Berwick, the bodies of the earl of Gloucester and lord Robert Clifford; and, on account of a personal friendship which had formerly subsisted betwixt him and the lord Ralph de Mounthermer, who was husband to the countess of Gloucester, the king's sister, he set that lord at liberty without ransom †.

Edward soon retiring to York, where he resided for several months after his unfortunate expedition into Scotland, was visited by Lancaster and others of his haughty barons; not to aid or console him, but to make their advantage of his necessities. The younger D'Espenser, the favourite, was obliged to abscond; and the court was new modelled, according to the pleasure of the prevailing faction. After having thus provided for their own power, they granted, in a parliament which met at York in September, a supply for the Scottish war, of a fifteenth from the counties, and a tenth from the burghs and demesne-towns. Carte. Mon. Malm. p 154.

But while the consternation of the English from the defeat at Bannockburn was recent, and Edward with his counsellors and barons were providing slowly and ineffectually for the defence of their country, the victorious Scots, under the lord Edward Bruce, Sir James Douglas, and other leaders, invaded Tyrell from Chr. Lan. p. 262. Walf. p. 106.

* The continuator of Trivet calls this seal *Regis Targia*, whereof Master Roger de Northburge was keeper, and from whom, being made a prisoner, it was taken away; for which reason the king soon after caused make a seal, appointing it to be called his *Privy Seal*, to distinguish it from the Targia, (*ad differentiam Targiæ*) which was taken away in the manner above related. Nic. Triv. Cont. p. 15.

† By this lord the king's privy seal, that had been lost in the battle, was brought back to him.

England

Edward II. K. of England. 1314.

England on the side of Berwick, carried their ravages through all Northumberland, and obliged the inhabitants of the bishopric of Durham, to pay a great sum to ransom themselves from the like destruction. They penetrated thence into Richmondshire, from which they carried a great booty of cattle and many prisoners; and returning by Swaldale, burnt Appleby and other towns in those parts: and while the English parliament was assembled at York, a fresh band of marauders entered England by Redesdale and Tindale, and advanced into Gillesland; obliging the inhabitants to swear allegiance to the king of Scotland, and to pay him tribute, whereof 600 merks were paid by the county of Cumberland in the space of six months. It is related by an English historian, that the English since the late battle were seized with such a dread of the Scots, that one hundred of the former would fly at the appearance of two or three of the latter; and that many of the English who dwelt nigh the marches, wearied out with their sufferings, and despairing of protection from their own king, abandoned their country, and confederating with the Scots, became companions and guides of their incursions into England, and sharers with them of the spoils of their unhappy countrymen.

Wolf.

While Edward was at York, he at once gratified his own nobles, and made a return for Robert Brus's humane use of his victory, by consenting to restore Robert's wife and daughter, who had been long prisoners in England, in exchange for the earl of Hereford *. Christian, Robert's sister, Donald earl of Mar, and Robert bishop of Glasgow, now become blind, were at the same time given in exchange for other English prisoners, the king quitting the ransom to which he was entitled for the former. Robert Brus gave a farther proof of moderation amidst his prosperity, by declaring in a letter to Edward, 'that the thing in the world he most desired, was to have perfect 'accord and friendship with the king of England;' requesting him, at the same time, to send a safe conduct for four of his (Robert's) knights, whom he designed to send into England, with proposals of peace and power to treat concerning it. Edward, in compliance with this request, granted the Scottish knights a safe conduct as far as Durham; and in the following month, a like protection was given to a new set of Scottish commissioners, with whom Edward appointed Pickering dean of York, and four English knights, to negociate either a truce or perpetual peace. This appointment was made by Edward, at the request of Philip the Fair king of France; which request was the last act of mediation on the part of the French monarch in the transactions between Scotland and England, for he died in the following month: and Edward, as before, complied with it, as coming from his dearest father and friend, but 'who in no respect accounted himself an ally of Robert Brus or 'the Scots.' Edward, in the orders issued by him with regard to these matters, gives Robert the designation of *Sire Robert*, and calls his subjects, *the other people of Scotland with whom he was at war*; and what no doubt chiefly marred the work of peace between these two potentates, was Edward's steadiness in

Rym. ib. 495, 497, 498.

* The Monk of Malmesbury says, that the king's sister, Elizabeth, lamented the captivity of her husband the earl of Hereford; on which account the king made her a present of all the Scottish prisoners; in exchange for which, the liberty of her husband was obtained. M. Malm. 155.

refusing

refusing to acknowledge Robert as king of Scotland, while Robert, with equal firmness, persisted in claiming this title. Robert Brus, K. of Scotland.

In the beginning of the following year, a parliament met at Westminster, which granted the king a twentieth part of their moveables; on the credit of which, Edward requested loans of money from the abbots and priors of convents, to enable him to make provisions for men at arms, to be sent both by land and sea against the Scots. This parliament endeavoured to remedy a very grievous dearth of provisions, by fixing rates for all the different kinds of them; but as the evil was found to be increased by this regulation, it was repealed in the following year. As Scotland felt this scarcity still more severely than England, a quarter of wheat being sold there for 100 shillings; squadrons of ships commanded by John de Botetourt and others, were employed on the east and west coasts of the island, to hinder any supplies from being conveyed to the enemy, and prohibitions were issued under the severest penalties to carry into Scotland victuals of any kind. A. D. 1315. Tyrrel iii. 263. Carte, ii. 336. March 15. Rym. iii. 511. 512. Mon. Malm. p. 157.

The prelates of York and Durham, and several of the northern barons, were excused from their attendance on this parliament, on account of a new invasion threatened by the Scots. This inroad was made in the beginning of the spring. The invaders entering by the western march, penetrated into Yorkshire and the bishopric of Durham, destroying every thing in their way. In this incursion they plundered Hartlepool; the inhabitants saving what part of their goods they could on board the ships in their harbour; while the other inhabitants of the county were glad to purchase a truce. Rym. ib. 506, 507.

The attention of the Scottish king, in the beginning of this summer, was engaged by matters of the most serious nature. Having no issue but his daughter Margery, lately released from her captivity in England, he made a settlement of his crown in a Parliament held at Air, in the end of April, on his brother Edward and Edward's male heirs, in case of himself dying without male issue. To this the king's daughter gave her consent, and all his nobles their sanction; the settlement serving at once to gratify the ambition of Edward Bruce, and, on the event of Robert's dying while the war with England continued, to provide an able defender for the kingdom. But the remote prospect of a crown not contenting Edward's unquiet and aspiring temper, he embraced the invitation given him by the Irish, who groaned under the yoke of England, to pass over into Ireland, to be their leader in attempting to shake it off; for which the royal dominion over that island was promised as his reward. Robert consented to this enterprise, and to enable his brother to carry it on, gave him a body of 6000 of his best men, together with several of his most eminent captains, among whom was Randolph earl of Murray. Edward had at first great successes, and was, with the concurrence of great numbers of the Irish, crowned their king. The distress of England was thus extended and increased, and a powerful diversion made from the prosecution of the Scottish war. Ford. l. 12. c. 24.

About Midsummer the king of England was at Berwick; the keeping of which town and castle he had, in April last, committed to Maurice

Edward II. K. of England.

1315.

Berkeley *, who was appointed successor to Simon Ward. From Berwick he issued his summons to his barons to be, with their military service, at Newcastle on the fifteenth of August, to oppose a new invasion which the Scots threatened. But returning soon to London, he appointed Aymer de Valence earl of Pembroke his lieutenant over all the country between the river Trent and Roxburgh: and all the fighting men of that country were ordered to attend him at Newcastle, and obey his commands, on eight days warning †. Walsingham relates, that when the king marched into Scotland, on the eve of St Laurence, bread could scarcely be found for the sustenance of his family ‡; and it is probable that this extreme scarcity was the cause of the king's speedy return to London, and defeated the project of the intended expedition against the Scots.

Rym. ib. 516, 523.

Hist. p. 107. Aug. 9.

Robert Brus, however, was not hindered by the famine, or by the preparations on the part of England, from entering it with a great army by the west march; where, after committing the usual ravages in the open country, he laid siege to Carlisle. This city was bravely defended by its governor Andrew de Hartcla; whose activity and courage in repressing the Scots marauders, and making some inroads into Scotland, had incensed the Scottish king, and made him more eager to succeed in his enterprise against Carlisle. He continued the siege ten or eleven days §, both employing engines and making assaults; but having lost a considerable number of men, and hearing that the earl of Pembroke approached with a great force, while a report also prevailed in England, that Edward Brus's army had been routed and cut off, and himself killed, in Ireland, Robert raised the siege; and in his retreat had several of his men killed and wounded, and others taken prisoners ‖. The resolution

Carte ii. 338. Chr. Lan. in Tyrrel, p. 264. Mon. Malm. p. 157.

Rym. iii. 536.

* The Monk of Malmesbury, on the occasion of this appointment of Berkeley to be governor of Berwick, describes the place, 'A strong and well walled town, situated on the sea, in the beginning of Scotland, convenient for merchants in the time of peace; which, without treachery, can never become subject to Scotland. It does not fear a siege, while succoured by England. For the English ships sail round all the land *(terram)*; and excel in the art of sailing, and in naval engagements. Whence, though all Scotland should attack Berwick, it has nothing to fear on the part of the sea,' *Si tota Scotia Berewyk invaderet, a parte maris timeri non oportet.* Should the pointing be *Si tota Scotia Berewyk invaderet a parte maris, timeri non oportet?*

† He probably means, to be present at the expedition which was to have been made into Scotland at that time.

‡ The Monk of Malmesbury, writing in this year, says, that last year there was such excessive rain, that the grain could scarce be reaped or stored in barns *(vix licuit frumenta colligere vel horreo recondere)*, and in the present year it has been still worse; for the inundation of rain destroyed almost all the seed, and in many places the hay has been so long covered with water, that it could neither be mowed nor got in. The sheep have also generally perished, and other animals been cut off by a sudden distemper *(subitâ peste)*. M. M. p. 161.

§ At this time, says an ancient writer in Leland's Collect. i. 24. James Douglas did much mischief at Egremont, and spoiled the church of St Bega, &c. Carlisle (says Mon. Malm.) was always odious, was always formidable, to the Scots; often withstood their incursions, and often hindered their flights. M. M. 157.

‖ Tyrrel, from Chr. Lan. says, that lord Murray and Bardolph were taken prisoners; but Randolph, earl of Murray, was then in Ireland.

and

and good conduct of Hartela on this occasion, determined the king of England to commit to him, until the following Midsummer, the custody, not only of Carlisle but of all the adjacent country; and to command the inhabitants of the counties of Cumberland, Westmorland, and Lancaster, to give him their attendance and obedience. The repulse sustained by the Scots at Carlisle, did not discourage them from an attempt to take Berwick, by means of some ships wherewith they entered the river; but being discovered by the English, they were repelled with loss. Rym. ib. 541, 545.

Robert Brus, K. of Scotland. 1315.

In November the king sent his cousin the lord Henry Beaumont and Adam de Winburn towards the march of Northumberland, with forces of horse and foot, to repel the Scots, and required the bishop of Durham to raise his men to join them. He, at the same time, charged that prelate to forbid any of his people to make separate truces with the Scots. The calamitous and helpless state of the inhabitants of the northern counties had driven them into this expedient; which, for the sake of an interval of quiet and safety to themselves, laid them aside from joining with others in the defence of their country. In opposition to such pernicious contracts, the king declared, that every truce ought to be concluded by the common assent of the wardens, constables of castles, and communities of the counties of the march, for all and each person of these counties; nor was the agreement to be valid, until its conditions and duration were notified to the king, and obtained his sanction. For farther securing the Northumbrian march, the bishop of Durham granted his castle of Norham to be garrisoned by the king until the following Midsummer; and Edward engaged to save the bishop, his successors and church, from any prejudice that might arise from this compliance with his request. Soon after, Edward gave similar assurances to his subjects of Gascony, that they should not be prejudiced in future, by the supplies they had, of their special favour, granted to him for his war against the Scots.

In the English parliament, which met at Lincoln in the beginning of the following year, there was granted to the king, for the Scottish war, an able footman out of every village or hamlet. Market towns were to send more, according to their magnitude and wealth. The pay of each man was a groat a day for sixty days; at the expiration of which, if they continued in the service, they were to receive payment from the king. Instead of these men, the cities, burghs, and towns of royal demesne, gave the king a fifteenth of their goods, and the counties a sixteenth. In this parliament the earl of Lancaster had the ascendant, and was placed at the head of a council that ordered all public affairs, and particularly those relating to Scotland. He was also created the king's lieutenant, and general of the army which was to be employed this year against the Scots *. A. D. 1316. Carte Rec. ib. 336. Tyrr. iii. 266. 267. M. M. p. 166.

It was probably owing to this ascendant of Lancaster, and to a secret intelligence between him and the Scottish king, that nothing of moment was this

* The king, on March 14, writes from Clipston to a lord of Aquitaine, that certain prelates, earls, &c. of the king's council, were named, and deputed to treat and finally ordain concerning the affairs of Scotland; but that these deputies, who were then at London, had not yet come to a final resolution. Rym. ib. 555.

Edward II. K. of England. 1316.

year performed by the English on the side of Scotland; although the fairest opportunity seems to have been given by an expedition that Robert Brus made in person into Ireland, at the head of thirty thousand men, to assist his brother Edward, whose progress in subduing that country was not answerable to his first successes. Negociators of a truce or peace with Scotland were nominated in February, and also in April; and it seems probable that Robert agreed to a suspension of hostilities, that he might be more at leisure to prepare for his Irish expedition. The rendezvous of Edward's military service, which had in February been appointed to be at Newcastle, fifteen days after Midsummer, was by a new proclamation, issued in the end of May, prorogued to the fifteenth of August; and in the beginning of August the king came in person to York.

Rym. ii. 553, 557.

Rym. ib. 568. Carte, ii. 341.

Edward was attended at York by a number of his prelates, earls, and great men; but Lancaster and others of his faction were absent. The king, by the counsel of those who were with him, summoned the absentees to bring their military service to Newcastle, eight days after Michaelmas, to repress the Scots; who, besides other excesses of all kinds, had put under tribute the holy church and the king's people. This summons was enforced by a notification that the king, by the advice of his counsellors present with him, had resolved to seize into his hands the lands and goods of such as refused to give the attendance required; until the great council of the nation should ordain a suitable punishment. At the same rendezvous, all who had land worth £50 or upwards, in the counties on the north of Trent, were summoned by proclamation to be present; under the penalty of having their lands seized a fortnight after, if they disobeyed.

The devastations referred to in the abovementioned orders, were committed in an inroad made by the Scots about Midsummer, under Robert Brus, before he set out on his expedition to Ireland. He first penetrated as far as Richmond; where the gentlemen of the neighbourhood taking refuge in the castle, made the best composition they could, for saving the town and adjacent country from farther destruction. The Scots then directed their course through the west of Yorkshire; wasting the country for about sixty miles, and carrying off many prisoners. These desolations of war increased the scarcity and dearth which had arisen from a succession of destructive seasons, so that a quarter of wheat was sold in the north of England for *forty shillings*; and the Northumbrians were driven to the necessity of eating the flesh of dogs and horses, and other unclean things.

M. M. p. 167. i. c. 6 l.

It is probable that this destruction of the northern parts of England, with the extreme scarcity that prevailed in them, co-operated with the treachery of Lancaster, to hinder a sufficient exertion of the power of England against the Scots, during Robert Brus's absence in Ireland. Nor is it credible, that so prudent a prince as Robert would have engaged in that expedition, if he had not known that Scotland was secure from any formidable attack of his enemies, while he was absent. That he had a secret intelligence with Lancaster, or courted his friendship, appeared from his sparing, in his incursions, the estates which Lancaster had, nigh the march; and Lancaster, it is probable, wished

Ford. l. 12. c. 25.

to

to establish Robert Brus on the throne of Scotland, for the sake of obtaining his aid against his own sovereign, whose resentment for the destruction of Gaveston he continually dreaded. He provided, however, in the best manner he could, for the defence of his marches, by giving the charge of them to the faithful and valiant Lord Douglas *. Robert Brus, K. of Scotland. 1316.

The Scottish writers relate, that Douglas, during the king's absence, repelled several bodies of the English, who attempted to penetrate into Scotland; and that in three sharp conflicts he slew, with his own hand, as many noble captains of his enemies. Two of these commanders were, Edmund de *Kylaw* †, a Gascon, who was captain of Berwick, and Robert Nevill, both knights. Kylaw had made a successful inroad from Berwick into the Mers and lower part of Tiviotdale, and was returning with his booty of goods and cattle; when Douglas, advertised by Sir Adam Gordon, who, about that time, forsook the English, coming forth from his forest of Jedburgh, and overtaking the marauders, found their numbers much superior to his own. But valour compensated the defect of numbers; and Douglas, as he was wont in such hazardous situations, singling out the person of the captain of the adverse host, secured the victory by putting him to death ‡. Soon after, Douglas, roused by the boasts of Sir Robert Nevill, led his men to the neighbourhood of Berwick, where Nevill commanded a considerable body of forces; and in a sharp conflict met with the same fate as Kylaw. His men also were routed; and Douglas enriched his followers with the spoil's of a defenceless country §. Ford. ib. Barb. 315, 325. Barb. p. 318.

The Scottish accounts add, that the English, discouraged and disappointed by the prowess and vigilance of Douglas, in their attempts by land, made a descent by sea, near the isle of Inchcolm, on the southern coast of Fife. Their strength, and the surprise of their sudden appearance, intimidated the earl, the sheriff, and possé of the county; but a courageous prelate, Sinclair bishop of Dunkeld, issuing from his manor, in the neighbourhood, accompanied by sixty choice horsemen, whom he retained in his service, and calling on the men of the country, who were staggering or flying, to follow Abero.

* According to Barbour, Walter Steward, the king's ſon-in-law, was joined in the command with Douglas. Barb. p. 324.

† In Barbour the ſpelling is Cailow, probably the French Caillou.

‡ Scal. Chron. in Lel; i. 547. ſpeaking of this rencounter ſays, that James Douglas diſcomfited the garriſon of Berwick at Staithmore, it ſhould probably be Scaithmore, commonly pronounced Skamor, where many Gaſcons were ſlain. The ſame author ſays, that Robert Neville's defeat was owing to the treaſon of the marches.

§ Barbour places the conflicts with Cailow and Nevill before Robert's ſetting out for Ireland. He relates another engagement which Douglas had with Thomas earl of Richmond, who commanded on the Engliſh marches, and led ten thouſand men to attack Douglas in Jedburgh foreſt, and provided them with axes to hew down the foreſt itſelf, which was one of the ſecureſt retreats of their enemies. But the addreſs and valour of Douglas, with far inferior numbers, prevailed againſt the Engliſh, and Richmond fell by Douglas's own hand. Douglas had, at that time, with the materials which the foreſt ſupplied, erected comfortable huts for his men, and an habitation for himſelf, on the haugh of Lintalee. Barbour, 334——339. This, from a wrong reading, is in Lel. Coll. i. 547. Lincelly. The captain whom Douglas ſlew, he calls Thomas de Richmont; and ſays, that the earl of Arundel had at this time the chief command on the marches.

him,

Edward II. K. of England.

him, was so well obeyed, that the English were driven back to their ships, and many of them killed and drowned.

1316. Oct. 19. Ang. Sac. p. 1. 757. Rym. ib. 581. 605.

While Edward was at York, Richard Kellaw bishop of Durham died; and the king, moved by the entreaties of the queen to reject the person chosen by the convent *, applied to the new Pope John XXII. to promote to this see Louis de Beaumont, brother of the lord Henry Beaumont, and treasurer of the church of Sarum, as a person peculiarly fit for defending the marches against the Scots. This request being seconded by the king of France, was readily granted by the Pope. A commission was also given by Edward, before he left York, to conclude a truce with the Scots, from the end of November till Christmas. But this negotiation either failed, or the respite from war did not exceed the term just mentioned; for, on the 20th of December, Edward issued an order to his sheriffs, to give no molestation to David de Strathbolgy earl of Athol, with his company, in attacking the king's enemies of Scotland †, as the king had given that earl a right to whatever moveables he should take from them; reserving only to himself the privilege of claiming any of the earl's prisoners, on paying him at the rate of 100 merks for each. This earl, for the sake of increasing his company, was in the following year, authorised by Edward to receive to his peace and obedience, those of the earl's men and tenants in Scotland, who had adhered to the king's enemies there, but were now willing to serve him under their natural lord.

A. D. 1317. Rym. iii. 594. 611.

The papal chair, after having been kept vacant by faction and intrigues more than two years, was filled in the preceding August, by the election of Pope John XXII. whose favour Edward early and effectually secured; hoping, by the thunders of the See of Rome, to subdue an adversary, against whom a great superiority of temporal force had not been able to prevail. On the first day of the year, the Pope, pretending an ardent zeal for the recovery of the Holy Land, to which the wars between Christian princes and states were a grievous obstruction, emitted a bull, commanding the king of England, and *him who pretended to be the king of Scotland* ‡, to observe, under pain of excommunication, a two years truce, to commence from the time of the

* Robert de Grayſtanes, the hiſtorian of the church of Durham, ſays, that the queen hearing that the king was about to confirm the election made by the monks, of Henry de Stamford, fell on her bare knees before him ſaying, My lord, I never aſked you before for any of mine; if you love me, take ſuch meaſures as that my couſin Louis de Beaumont be biſhop of Durham. The ſame hiſtorian ſays, that he was of the blood of the kings of France and Sicily. ib. p. 760.

The Beaumonts, lord Henry, and Louis the biſhop, the former of whom became very great and conſpicuous in the courſe of this reign, and in the following, are ſaid to have deſcended from Louis, ſon to Charles earl of Anjou, a younger ſon to Louis VIII. king of France. Louis was lord of Beaumont in France, and by Agnes de Beaumont, his lady, had his two ſons above-mentioned, and Iſabel, the wife of the laſt of the Veſeys of Alnwick caſtle. Barnes' Edward III.

† Barbour in p. 278. relates, that the Earl of Athol's ſiſter Iſabel was wife to Edward Brus, and that Edward having an amour with a ſiſter of Sir W. Roſs, one of the two Scottiſh knights that fell in the battle of Bannockburn, the earl ſhewed his reſentment by burning ſome of the king's ſtores at Cambuſkenneth, killing Sir W. Keith, &c. on the eve of the day of Bannockburn-battle; for which exceſſes he was baniſhed, and his lands forfeited. His poſt of conſtable of Scotland was, in the following year, beſtowed on Sir Gilbert Hay of Errol. Dugd. Peer. p. 46.

‡ He at the ſame time calls him *his beloved ſon, the noble Robert de Brus.*

notification

notification of this bull, that during this interval measures might be employed for effecting a lasting peace. In March, John de Ossa, a cardinal priest, and Luke de Fieschi, a cardinal deacon, received a commission to settle peace throughout Britain and Ireland; with full powers to censure the refractory, and to remove all obstacles to concord, that might be alleged to arise from oaths, or contracts of any kind.

Robert Brus, K. of Scotland.

1317. March 17.

These peace-makers arriving in England in the month of July, came to the king at Nottingham, and in August set out towards Scotland. The north of England did at that time abound with banditti, who having taken their rise from associations that the calamities of the times had impelled men to form for their mutual defence, soon forgot the distinction between friend and foe, and made a prey of whatever tempted their avarice. A gang of these, commanded by Gilbert Middleton, *keeper* of the castle of Mitford *, and by Walter Selby, robbed the cardinals of their money, goods, and horses, near Darlington †, on their road from York to Durham. The cardinals they did not detain; but Louis de Beaumont, who accompanied them in order to receive consecration at Durham, and his brother lord Henry, were carried prisoners, the former to Morpeth, the latter to Mitford, and obliged to pay a great sum of money as the price of their liberty. Middleton did not long escape the punishment he merited for this and other excesses; for having fallen into a snare laid for him by some neighbouring gentlemen, on whom he had committed depredations, he was sent in fetters to London, where he was hanged, drawn, and quartered, in the following January. His retainers joined the band of his ally, Walter Selby, whose strong hold was the *little castle* of Horton ‡.

Rym. ib. 655, 663, 670.

*Custos* et non *Dominus*, Hist. Dun.

Rym. ib. 661, 798.

The cardinals had sent before them into Scotland two messengers, a bishop and an archdeacon, to prepare, if possible, the way for their own entrance into that kingdom; the effecting of which they could not but consider as very precarious, from the refusal of admission to a messenger from Rome, who had arrived three months before on the borders; and whose errand was to notify to the clergy of Scotland the election of the Pope. The messengers of the legates, not without difficulty and danger, arrived at Roxburgh, where the Scottish king at that time resided; having, in the beginning of the summer, returned from Ireland, after losing in that kingdom the greatest part of his army by famine. But although this loss, together with his reverence of the Holy See, restrained him from giving the English any disturbance in the course of this year, yet he continued firm in his purpose of asserting and defending his right to the crown and kingdom of Scotland, in opposition to whatsoever pretended authority might be employed to deprive him of it.

* It is said, that Middleton was incensed against the king for arresting his cousin Adam de Swinburn, who had spoken too sharply to the king, concerning the affairs of the marches. With the concurrence of other marchers, he did much harm in Cleveland, and took all the castles of Northumberland except Alnwick, Bamburgh, and Norham. Lel. Coll. i. 548.

† At a place called Aile. Rym. ib. 667.

‡ Walsingham calls it *Refortiuncula*. Probably it is the Hortun situated south of the little river Blyth, about seven miles distant from Mitford. There is also a place of that name, with the ruins of an old castle or tower, about four miles N. E. from Wooler.

Robert

Edward II. K. of England. 1317.

Robert received the messengers of the legates in a gracious manner. Some of the letters they brought from the cardinals were sealed, and directed to Robert Brus *governor of Scotland.* These the king would not suffer to be opened; alleging they could not be meant to be addressed to him, who was the *king of Scotland.* The letters they carried from the Pope, and other letters from the cardinals, were *open.* These he caused to be read; listening to them with an air of profound reverence. He then declared to the messengers, that, on account of the direction of these letters, and of the importance of the matters they contained, he could not give them an answer, nor suffer the legates to come into his presence, until he had first consulted his barons; for which purpose he promised soon to assemble them, and to notify to the legates his resolution, on the feast of Michaelmas then approaching. This declaration he accompanied with expressions of his earnest desire of peace, and of his gratitude for the endeavours of any person to establish it; but at the same time blamed, in gentle terms, the partiality of the Holy Father; who, to gratify the king of England, refused him his just title of king of Scotland; which all other kings and princes had then consented to give him.

By the time prefixed, the legates received information, that they would not be suffered to enter Scotland, if they did not first acknowledge Robert's title to the crown. Provoked at so determined a refusal, they resolved to make trial of the force of their spiritual artillery; and, in order to it, they sent Adam Newton, guardian of the Minorite friars of Berwick into Scotland, to lay before Robert Brus, the Scottish bishops and abbots, the papal bulls, ordaining a truce between the kingdoms, the proceedings upon these bulls by the legates, together with the bulls that contained their powers.

The friar having proceeded to Old Cambus twelve computed miles in the road from Berwick to Edinburgh, found the Scottish army encamped in a wood near that place; and though it was then after the middle of December, employed in felling trees and preparing engines for besieging the town and castle of Berwick. He had left at Berwick the bulls and other papers he was charged with, until he should have obtained a safe-conduct from the Scotch king; which was granted to him, in their sovereign's name, by Walter the high steward, Sir Alexander Seton, and William Montonforth. On his returning again from Berwick, he was not suffered to come into the king's presence, but was commanded to deliver his papers to the persons just named, in order to their being inspected by the king. He seized, however, the opportunity, according to the account he himself gave of his proceedings, of proclaiming before these Scottish courtiers, and a great number of people around them, in name and by authority of the Holy Father, a truce between the two kingdoms; but no one seemed so much as to hear what he said. The papers were soon returned to the friar with expressions of contempt; the king declaring, that he would not obey the Pope's bulls, nor pay any regard to the process of the cardinals, unless he had the title given him of king of Scotland; and had also the town of Berwick delivered to him by the English king. On the next day the friar was dismissed, having in vain requested a safe conduct; and on his way to Berwick was robbed and stripped of every thing, even to his clothes.

clothes *, by four men, who it was believed were ordered to way-lay him, that they might bring back to the king of Scotland the papal bulls † and process of the cardinal legates. Robert Brus, K. of Scotland. 1317.

In the course of this year, Edward was much annoyed by the rebellious behaviour of the earl of Lancaster, who absented himself from parliaments, on pretence of the favour of the king to his enemies; and having quarrelled with the earl of Surry, forcibly seized some of his castles, as well as some of those that belonged to the king. The cardinal legates mediated a temporary reconciliation; but were not able to extinguish animosities, or to teach Lancaster loyalty and obedience. These intestine broils, together with Edward's submission to the papal authority, enjoining a truce, seem to have suspended hostilities on the part of the English, against the Scots, during this year. A. D. 1318. Rym. ib. 698, 707, 729.

In the following March, a commission from the king of England was given to eight persons, at the head of which were the archbishop of York, and Gilbert de Umfranville earl of Angus, to enter into a treaty with commissioners from the king of Scotland, for confirming the truce ordained by the authority of the Pope and apostolic see. It is affirmed in the papal bull of excommunication, afterwards emitted against Robert Brus, and in letters of the king of England to the Pope, that this appointment of commissioners was made on the request of Robert Brus, and that the place agreed on for their meeting was Berwick; circumstances by which Robert's enemies sought to support their charge against him of treachery, as well as the most flagrant contempt of the papal authority, manifested in his taking of Berwick, not many days after the commission just mentioned was given ‡. The English writers relate, that Berwick was betrayed to Robert Brus by its governor, Peter Spalding, for a sum of money. But Barbour, the rhyming historian of Brus's achiehements, relates this event in a different manner §. According to his account, Peter Spalding, a burgess of Berwick, who was married to a cousin of Sir Robert Keith's, marshal of Scotland, entertaining a violent resentment against the governor of the town, for the malignity and cruelty he shewed to all Scotchmen, formed a project of betraying the place to the Scots. With this view, April 2. Ford. l. 12. c. 37. Barb. 347—355.

* *Habitu ſuo, ac veſtibus paupertatis, et rebus aliis quas portabat, immaniter ſpoliarunt.* Bull of Nov. 17, 1319. Rym. ib. 799.

† The bull of excommunication againſt Robert Brus, directed to the cardinal legates, ſays, That the Pope's letters appointing the publication of a truce between the kingdoms were not only forcibly taken from the Friar and his companion, but, in utter contempt of the holy ſee, torn to pieces (*totaliter laceratæ*). Rym. iii. 707.

‡ The Pope's bull affirms, That the place was taken the more eaſy, by reaſon of its being treacherouſly aſſaulted, at a time when the Engliſh king could not ſuſpect that it was in the leaſt hazard. The ſame bull ſays, That the Scots committed a great and cruel ſlaughter, both on the king's garriſon (*gentem regiam inibi*) and the inhabitants: and Edward in his letters to the Pope and cardinals in 1325, ſtill inſiſts, That the Scots treacherouſly ſeized Berwick, at a time when he, in obedience to the exhortations of the Holy Father, was ſtrictly keeping the truce enjoined by him.

§ Barbour ſays, That all Scotland was then ſubject to Robert Brus, from the Red Swyr unto Orkney, except Berwick:

Fra the Red Swyr unto Orkney
Was nought of Scotland fra his ſay
Outtaken Berwick it alone.

Edward II. K. of England. 1318.

he proposed to the marshal, that on a night, when it was his (Spalding's) turn to keep watch on the part of the wall adjacent to Cow-gate, a sufficient body of Scots should enter it on that quarter, by means of scaling-ladders. The marshal having informed the king of this proposal, measures were concerted for carrying it into execution; and the king's chief captains, Randolph and Douglas, were ordered with sufficient bodies of their followers to repair, on the evening prefixed, to a place called Dunce Park, where the marshal and his men joined them *. Having left their horses at a considerable distance from the town, they advanced to the appointed place of the walls, and entered the town unperceived by any but their friend Spalding, who conducted them to a place, where they remained concealed till day-light. The lust of booty made many of the Scots scatter through the town, and too much weakened the force that remained with their leaders; which occasioned sharp conflicts with some parties of the garrison that were able to unite; but the assailants at last every where prevailed, and were completely masters of the town about noon.

Many of the garrison and townswen had fled into the castle; and it being observed from thence, that the number of Scottish banners was but small, those in the castle sallied forth, in hope of expelling their adversaries from the town. A very sharp engagement ensued, wherein Randolph and Douglas displayed their wonted prowess; and in which Sir William Keith of Galleston, who had but a little time before been knighted, very eminently distinguished himself. The Castellans were, in the issue, driven back, and pressed so hard, that many of them were cut off in their retreat, and the gates were with difficulty shut against the pursuers.

The fame of the recovery of Berwick soon drew sufficient numbers of men from the neighbouring Scottish counties of Mers, Tiviotdale, and Lothian, for defending the town, and also for assisting in the siege of the castle; which, probably being too much crowded, capitulated on the sixth day † after the town was taken; those within it being allowed to pass into England. The king soon afterwards arrived, and took up his residence with his court in the castle ‡. Great quantities of provisions and military stores were found in the place; and the king resolved to make an exception of Berwick, from the rule he had hitherto observed, of demolishing the fortresses recovered from the English. He gave the keeping of both town and castle to his son-in-law

* The marshal's men were the best of Lothian, of which county he was sheriff.

† In Lel. Coll. it is said, that the castle held out for eleven weeks, and that Roger Horsley, the captain of it, lost one of his eyes.

The taking of Berwick was recorded by some Scotch monks in the following rhymes:

*M semel, et C ter, semel X, semel V, dabis I ter;*
*Capto Berwico, sit laus et gloria Christo.* Ford. l. 12. c. 37.

‡ Perhaps this reduction of Berwick, completing Robert Brus's conquest of Scotland, determined William Lamberton bishop of St. Andrews, to acknowledge the authority of that prince. The king of England, on the 6th of June of this year, complains to the Pope of Lamberton's perfidy and ingratitude; and beseeches the Holy Father to depose him, and to confer the see on Thomas de Rivers; on whom he pretended that Clement V. had collated it. Rym. ib. 710. Lamberton, on the 3d of June this year, dedicated the great church of St Andrews. Ford. l. 12. c. 37.

Walter

Walter Steward of Scotland; who was ambitious of obtaining a settlement on the borders, where he might enjoy daily opportunities of displaying his youthful courage in defending his country. To assist him in this work, he called forth from his own domains five hundred gentlemen of his blood or dependence. He provided also sufficient numbers of inferior condition for shooting with bows, and working engines *, and had for his chief engineer, Sir John Crab, a Fleming, of high reputation in his art. Robert Brus, K. of Scotland. 1318.

The reduction of Berwick was soon followed by that of the castles of Wark and Harbottle, which, being assaulted by the Scots, received no timely aid from their countrymen †. The Scots pursuing their successes, and penetrating farther into Northumberland, surprised the castle of Mitford, so that they were masters of all the county, except Newcastle and a few strong holds. In May they advanced under lord Douglas farther into England, than in any of their former invasions. They burned the towns of North Allerton, and Boroughbridge; and also plundered and burned Rippon; where some of the inhabitants, who had taken refuge in the church, were compelled to pay one thousand merks, to save themselves from being burned with the rest of the town. They afterwards set fire to Scarborough. and Shipton in Craven, and returned with much booty and many prisoners ‡.

These Rym. iii. 718—727.

* Barbour writes,

He gart engines and cranys ma
And purvayed great firs alsa,
Spryngalds and shoton seir manners
That to defend castles effeirs;
He purvay'd into full great wayne,
But gynnis for crapys had he nane,
For in Scotland yet then best ween
The use of them had not been seen. Barb, p 354.

† Edward's proclamation of June 10 says, That they had taken some of the king's castles, and some of those that belonged to his faithful subjects within England on the march of Scotland. Rym. iii. 713.

‡ At this time says the Sc. Chr. Thomas Gray and his friends defended the castle of Norham; which fortress, while in the keeping of Gray, was once besieged for the space of a year, and another time seven months. His enemies raised fortresses before the castle; one at Upsettlington, of which the traces probably remain on the top of the bank of Tweed, a little below Ladykirk, at a place called *Castle-hills*, and another in the church of Norham. The castle was twice victualled by the lords Percy and Nevill. Sir Adam Gurdon (Gordon), with one hundred and sixty men, came to drive away the cattle pasturing by Norham. The young men of the neighbourhood encountered the Scots, but the latter being likely to overpower them, Thomas Gray came to their aid with sixty men, and killed the greatest part of the Scots with their horse. The outer ward of the castle was taken while Thomas Gray was its keeper, on the eve of St. Catharine; but the Scots kept it but three days, having failed in the work of mining. The following feat of chivalry, to which the hazardous situation of this castle gave occasion, is worth recording. At a feast in Lincolnshire, where were present many gentlemen and ladies, a certain lady brought from her mistress to Sir William Marmion an helmet, with a golden crest, with a letter of commandment, That he should go into the place of greatest danger then in England, to make show of his helmet, and gain fame to it. So he went to Norham, whither, in four days after his arrival, came Philip Moubrai, governor of Berwick, with one hundred and forty men of arms, the very flower of the Scottish marches. On sight of this, Thomas Gray brought forth his garrison before the barriers of the castle, behind whom came Marmion richly arrayed, and with his helmet, the present of his lady, all glittering with gold. Then said Gray to Marmion, 'Sir knight, ye become hither 'to fame your helmet, mount your horse, and ride like a valiant man to your enemies here at

Edward II. K. of England. 1318.

These open and violent hostilities of the Scots, which began with the taking of Berwick, being notified to the Pope, produced new and decisive orders to the legates, to publish the sentence of excommunication against Robert Brus, and interdict against his subjects, in churches and public places, every holiday and Sunday, with the usual solemnities; which was accordingly done in England, Wales, and Ireland, and also in France and Flanders. But these fulminations being of no avail to abate the courage, or to blunt the weapons of the Scots, Edward, in the beginning of June, issued his summons to all his military vassals to attend him at York, in order to march against the violators of the papal truce; which truce he, 'as a son of obedience,' had faithfully kept; but which could no longer be binding on him, after the Scots had so grossly broken it. By the interposition of the legates, who soon after left England, an agreement was concluded between the king and his cousin of Lancaster; in consequence whereof Lancaster again obtained the ascendant in the king's council, and the elder Despenser was driven from court. The king wished to improve the restoration of his domestic quiet, by undertaking an expedition against his enemies of Scotland. These, after their other exploits, had laid siege to the castle of Norham; and it was believed, that unless succour was sent to this fortress, it could not hold out beyond Michaelmas. Edward having come to York held a parliament, wherein his agreement with Lancaster was confirmed. He also collected at the same place, a great army, in which were bodies of heavy-armed footmen sent from London and some other cities †.

May 28. Rym. ib. 709, —713.

June 10.

Mon Malm. p. 185.

Oct. 20. Rym. ib. 742.

His receiving an account of the destruction of Edward Brus and all his followers in the battle of Dundalk, on the 14th of October, afforded fresh encouragement for an expedition against the Scots; but the advanced season, and the desolation of the frontier country, were difficulties not easy to surmount; and it is also related, that strifes breaking out among the forces assembled at York, had made it necessary to disperse them. The king, however resolved to spend the winter in the North, for the defence of his kingdom against the Scots; and for this purpose the strictest orders were issued for all men on the north of Trent, from twenty to sixty years of age, whether in

Wal. Hist. 111.

Dec. 16. Rym. ib. 748.

'hand; and I forsake God, if I rescue not thy body, dead or alive, or I myself will die for it.' Whereupon Marmion mounting his courser, rode among the throng of enemies, who laid sore strokes on him, and at last pulled him out of his saddle to the ground. Then Gray, with his garrison, fell on the Scots, and routed them; and Marmion, being remounted, joined with the castellans in the chace. Fifty horses of value were taken, and the women of Norham brought them to the foot to assist in the pursuit. Thomas Gray killed one Cryne, a Flemish pirate, in great favour with Robert Brus. Those that escaped, were chased to Berwick Nunnery. Lel. i. 548, 549.

The particular accounts of the achievements of Thomas Gray, given in the Scal. Chron. which a certain Englishman (taken prisoner in war, and carried to Edinburgh, translated out of French rhyme into French prose) favours the conjecture, which Leland forms from other circumstances, that one of the Grays of Northumberland was author of it. The extracts from this work in Leland extend from p. 509 to 580.

† They are said to have been armed *Aketonis, Haubergettis, Bacinettis* (head pieces), *et Cirotecis ferreis*. They were to serve forty days, at the expence of the Londoners, but continued with the king probably much longer *(per tempus non modicum)*. The king grants that this should not be to the prejudice of the Londoners, nor be drawn into consequence. Rym. ib.

the

the rank of horsemen or footmen *, to be sufficiently armed, and regularly arrayed; and to be all in readiness, at three days warning, to follow their lords, who were empowered and required to punish the disobedient. Robert Brus, K. of Scotland. A. D. 1319.

Edward being informed, that the Scots were soliciting at the papal court a revocation or mitigation of the sentence issued against them, employed the whole weight of his interest at that court to defeat their endeavours; applying in particular, with that view, to his good friends the cardinal legates who had lately been in England. Having also intercepted letters from some who attended the Pope's court, to excommunicated Scotchmen, he sent them by Sir John Nevill to the Holy Father, who caused some Scotchmen and their fautors, concerned in this correspondence, to be imprisoned. This proof of friendship encouraged the king, to entreat the Pope farther to extend his censures against the Scots. But, notwithstanding these indications of an hostile spirit, Edward, about the same time, requested the Pope's leave to treat with those of the Scots, though excommunicated, who were desirous to enter into a treaty with him, for obtaining his peace and favour; of whom, he affirmed to the Pope, *that the number was considerable*. He even hoped to gain some persons of consequence; and that by their desertion the rest would be so discouraged and divided, as to be more easily brought back to their duty to their spiritual father, and to himself, who claimed to be their rightful temporal lord. Rym. ib. 752. 761, 762.

Edward endeavoured farther to avail himself of the Pope's sentence against the Scots, by making it an argument to induce the earl of Flanders, the duke of Brabant, and some of the great cities of the Netherlands, to forbid the excommunicated and interdicted Scots access to their ports or territories; and to refuse them supplies of men, victuals, or arms. And to enforce this request, he farther informed them, that he had appointed keepers of the sea, who commanded ships of war, to be employed in intercepting supplies that were sent to his rebels; the carriers of which supplies would be exposed to the same severe treatment as the rebels themselves. Edward received from the princes and cities, answers of different kinds. The earl of Flanders and citizens of Bruges declared, that their ports and trade were open to people of all countries; and that they could not infringe this liberty, without desolation and ruin to themselves. The answers of the duke of Brabant, who was Edward's nephew, and from the cities of Mechlin and Ypres, were more favourable. Rym: iii. 759. 761, 766, 770. 771.

Edward was not only thus diligent at foreign courts, but was equally careful at home, to prepare for an expedition into Scotland; the first object of which was the recovery of Berwick. In the beginning of summer he held a parliament at York, wherein the nobles and gentlemen gave him for the Scottish war, an eighteenth of their revenues; cities and burghs a twelfth of their goods; and the clergy, with the Pope's permission, a tenth. Orders were given to the earls of Lancaster and Hereford, and to several other barons, to raise in their domains able footmen; part of which were to be furnished with Rym. ib. 774. 775, 787, 788.

* The foot were to be distributed into bands of twenties and hundreds, and the horses in due order under constabulary.

heavy

Edward II. K. of England.

heavy armour, for serving at the intended siege. The general rendezvous was appointed to be at Newcastle, in the end of July *; but the expedition was probably retarded by a scarcity of money; for loans of which the king solicited, with great earnestness, the bishops and heads of convents, as also cities and burghs; offering as security for repayment, the supplies which the parliament had granted. At the same time he requested the bishops to cause prayers to be put up for the success of his expedition.

1319. July 20.

Ib. 786, 787. 788.

M. Malm, 192. —195.

At length, on the first of September, the king arrived at Berwick, with a numerous army; wherein Lancaster and the other chief nobles of England were present †. This was accompanied by a fleet from the Cinque-ports, laden with provisions and all kinds of stores. Besides the king's military vassals with their dependents, and the soldiers to whom he gave regular pay, there were many thousand footmen who served in the army as volunteers, encouraged by the hope of booty; the king having made a grant to each of 100l. value of what they could seize of the goods of their enemies, without being liable to make restitution. Those who served by sea had the like grant of secure possession of all the spoils they could gather in their descents on the enemy's country. These concessions giving security against the restitutions that were wont to be made on the conclusion of a peace or truce, drew many, by the prospect of booty, to serve both by sea and land.

The first care of the English, was by an intrenchment to defend their camp against the attacks of the Scots. They then proceeded to attack the town, whereof the walls were so low, that an assailant from the foot of them might with his spear strike a defendant on the top ‡. Two remarkable general assaults were given by the besiegers on the seventh and thirteenth of September. In the former, they endeavoured, at many different places, to scale the walls; while a ship, on the same day, sailed up the river §, and approached as nigh as possible to the wall with a boat hawled up on her mast filled with soldiers, and provided with a bridge to reach from the boat to the top of the wall; the crew of the ship were so distressed by stones and missile weapons from the wall, that they could not get sufficiently near for applying their bridge, and the ship being left aground by the ebbing tide, a party of the garrison sallying forth burnt her; although with the hazard of being intercepted by

* On the 19th of July the king, while at York, bestows nine prebends of the diocese of Glasgow, which diocese is said to be vacant, and in the king's hands; also presentations to some other livings in that diocese, and to some in the dioceses of Whithern and St. Andrews. In this list are some hospitals, particularly two of St. Mary Magdalene; one at Roxburgh, and the other in the neighbourhood of Berwick, from which the field between Berwick-wall and the sea has had the name it still retains, of Magdalene, or Maudlin field. The king, and those who solicited these livings, seem to have made no doubt of the success of the intended expedition. Rym. ib. 785, 786.

† Besides Lancaster, there were present, the earls of Pembroke, Arundel, Hertford, Warrenne, and the earl Marshal, the king's brother, also Hugh d'Espenser, Roger de Tammori, and Hugh Dendeley, who were the three heirs of the earldom of Glouceſter, by their marrying the late earl's sisters. M. Malm.

‡ The walls of the town then were
So low, that a man with a spear,
Might strike another upon the face. Barbour, 358, 119, &c.

§ The ship is said by Barbour, to have been towed by barges by the bridge-house, to the wall.

some

some of the besiegers, who came along the shore by the foot of the wall to attack them. In the next general assault, which was made six days after the first, the English employed a great machine called a Sow, constructed for holding and defending men who were moved in it, towards the foot of the wall, in order to undermine and sap its foundation. To oppose this, Sir John Crab had prepared a vast crane, moveable on wheels, and faggots of a huge size, which being set on fire were to be lifted up by the crane, and let down upon the sow to consume it. An English engineer of extraordinary fame, who at the last assault had been taken prisoner from on board the vessel that was burnt by the Scots, was compelled by menaces of instant death, to employ his art for destroying the great engine of his countrymen. To effect this, he threw a great stone from one of the engines on the wall, in such a direction that after mounting to a great height, it fell on the sow with so much force as to split it asunder *; and the burning faggots being afterwards applied by the help of the crane, consumed the whole fabric. The besiegers, who the same day were employed in the attack against Mary-gate, burnt the draw-bridge, and were about to consume, in like manner, the whole gate; when the governor having first drawn a supply of men out of the castle, whose situation was adjacent to this part of the town, and which was not on this day itself assailed, ordered the gate to be thrown open, and repelled the agressors with such vigour that they were forced to retire. An assault also on that day by the English shipping was repelled, chiefly by the art of the captive engineer in throwing stones from the wall. It was not however without considerable loss to the besieged, that these repulses were given to their enemies; and it is probable the latter would soon have prevailed, had not Lancaster, actuated by his habitual malignity to the king and his favourites, and bribed, as was reported by Robert Brus, retired from the English camp with all his men †.

Robert Brus, K. of Scotland. 1319.

The English army was much weakened by the desertion of Lancaster; but they suffered a still greater discouragement from the intelligence they received of the earl of Murray and lord Douglas having entered England. In this irruption they led 10,000 choice men into the heart of Yorkshire; and, in the neighbourhood of York, had almost seized the person of the queen of England, who is said to have been sold to the invaders by Lancaster, or some traitors in her court. The information of the approach of the Scots, extorted from a Scottish spy who was apprehended at York, saved the queen; but the invaders, disappointed of this great prize which would perhaps have purchased

M. Malm.

* When such of the men under the sow as escaped destruction, came out and fled from her; those on the wall said scoffing, that the sow was made to ferry her pigs. Barb.

† Some of the English historians relate, that Lancaster was provoked to make this desertion by the king's saying rashly, that he would make Hugh d'Espenser keeper of the castle, and Roger de Tammori captain of the town. The monk of Malmsbury relates, that the king said, that when the present troublesome affair was over, he would go on to other business; for he had not yet forgot the hard fate of his brother Peter (Gaveston). M. Malm. p. 201. According to this author, none of Lancaster's friends joined in the assaults made on Berwick; and it was reported, that he received 40,000*l.* from the king of Scotland for his aid and friendship. Lancaster complained to the king of these reports, offering to put his innocence to the severest trial; and was cleared, according to that annalist, by a sham combat of champions *admissa est purgatio comitis cum quadam manu pariun)*.

a peace

Edward II. K. of England. 1319.

a peace to their country, committed terrible devastations in the west and north ridings. The archbishop, William de Melton, emulating probably the immortal fame gained about two hundred years before by his predecessor Thurstin, in the battle of the Standard, collected a tumultuary army, wherein were many clerks both secular and regular, and had the temerity to give battle to the Scottish veterans under Randolph and Douglas, at Milton on the Swale, about twelve miles north from York. The consequence was the instant and entire discomfiture of the aggressors, of whom three thousand were slain, and a great number of the scattered fugitives drowned in the Swale.

The resolution shewn by the garrison of Berwick, the desertion of Lancaster, and indulgence of the invasion of the Scots, conspired to determine Edward to abandon the siege of Berwick. He hoped to meet the invaders on their return, to avenge their outrages and strip them of their booty; but they, informed of Edward's approach and of the route in which he was hastening to them, and aided, it is said, by Lancaster's treachery *, struck into a different path, and regained their own country with all their rich spoils. Robert Brus, soon after these successes, visited Berwick; and reflecting on the hazard to which it had been exposed by the lowness of its walls, caused a considerable addition to be made to their height all around †. Encouraged also by the successes of the summer, and by the consternation of the English, a band of Scots under lord Douglas, about *All Hallow Tide*, entering England, wasted all Gillesland, and as far as Burgh on Stanmore; whence returning by Westmoreland and Cumberland, they marked their way by the like devastations.

Barb. 377.

Chr. Lan. ap. Tyrrel. iii. 274.

The consequence of so long a series of defeats and disgraces sustained by Edward, and of a satiety of victory and booty on the part of his enemies, was a mutual resolution to give each other a respite from the calamities of war. For this purpose, a congress of commissioners ‡ was agreed to be held at Newcastle on the sixth of December; who, on the twenty-first of that month, concluded a truce, to continue first to the Christmas next ensuing, and thence for two years.

Rym. iii. 816.

The treaty of this truce is not published in Rymer's great collection, but some papers that refer to it appear there, and shew part of its contents. One article of it was, that the castle of Harbottle, which the Scots had taken in the preceding year, should be restored to Edward's commissioners, considered *as private persons;* on condition that, if a final peace should not be concluded before the Michaelmas immediately preceding the term of the truce's expira-

Rym. iii. 817.

* It was reported that lord Douglas, on his return to Scotland, paſſed through the army of Lancaſter; and that the earl paſſed unarmed through the middle of the Scots. M. Malm.

† Barbour ſays,

That he gart well ten foot *high* the wall,
About Berwick town over all.

Whether doth he mean, adding ten feet to the former height, or making it ten feet high all around?

‡ The Engliſh commiſſioners were, J. Biſhop of Ely the chancellor, A. de Valence earl of Pembroke, Hugh d'Eſpenſer jun. and Barthol. de Badleſmere. They had powers to negociate either a truce or peace, to confirm the one or the other by oath on the king's ſoul, to appoint keepers of it on the marches, and to give ſafe conduct to thoſe of Scotland who were coming to Newcaſtle to treat with them. Rym. iii. 803.

tion,

tion, these commissioners should either restore it to Robert at the said Michaelmas, or wholly destroy it before that term. From other papers it appears, that all intercourse (*communio*) between the subjects of England and of Scotland during this truce, was forbidden. And if any ships of Scotland were driven in or wrecked on the English coast, and such ships became not the property of the king of England or some of his subjects, as being wrecks of the sea; then the ships with their cargoes and crew, were to be delivered to their proprietors in Scotland. And this was extended to Scotchmen sailing in the ships of any other nation, or the goods of Scotchmen on board of these ships; when such ships were driven in or broken in any of the king of England's dominions, or taken by his subjects on the sea, with the like proviso as before, if such goods became not the property of the king or of some of his subjects as wrecks. It is no doubt to be understood, that in like circumstances, the Scots were bound to treat in the same manner, the ships, goods, and persons of the English.

Robert Brus. K. of Scotland. 1319. Ib. 879.

Soon after the conclusion of this truce *, conservators of it were appointed. There were two for Cumberland and Westmoreland, Andrew de Hartela, sheriff of Cumberland and keeper of the town and castle of Carlisle, and Anthony Lucy; and four for Northumberland, William Ridel, Gilbert de Burwedon, John de Penrith, and Roger de Horsley. The charge of these conservators, as their commissions bear, was to *keep the truce* agreeably to its tenor; to hear the complaints of all concerning damages sustained, and transgressions committed contrary to the truce; and after inquiring concerning these infringements by good, lawful, and unsuspected men of the said counties, to do justice, according to the treaty. They were also commanded to seize in their several districts the violaters by force of arms, when needful, and to detain them in prison until the king's pleasure should be known. All persons were ordered to give their aid in the premises; and for searching out and discovering the truth in them, the sheriffs of the aforesaid counties were enjoined to command the attendance of a sufficient number of fit persons, at such times and places as the conservators should notify to them. This commission containing the first distinct view we meet with of the charge of a *conservator of truce* on the borders of the kingdoms, we have given the above particular account of it; and it is probable, that like commissions were given by the king of Scotland to conservators appointed on his side.

A. D. 1320. Jan. 24. Rym. ib. 817.

Robert Brus was not only under the execrations of the Holy See for his contempt of its authority in violating the truce enjoined with England, but was also under excommunication for the murder of John Comyn of Badenoch in the church of the Friars Minors at Dumfries; which sentence, on account of Robert's shewing himself incorrigible, by having sustained it more than three years, the prelates of York, London, and Carlisle, had power from the Pope to publish wherever they thought fit, on Sundays and holidays, with

Jan. 8. Rym. ib. 810.

* On Jan. 7. a safe conduct was granted by the king of England to several Scotchmen, knights, clerks, and valets, who were coming to him to treat farther about the affairs of their master (called le Sire Robert.) What these affairs were is not recorded.

Edward II. K. of England. 1320.

the usual solemnities of ringing of bells and lighted candles *. Although Robert earnestly wished to be reconciled to the Holy See, yet it was his fixed purpose, in which the prosperous state of his affairs served to confirm him, never to acknowledge Edward's sovereignty, or to renounce his own title of king of Scotland: and to satisfy the Holy Father, that this was a matter not wholly in his own power, the nobles and chief barons of his kingdom holding an assembly at Aberbrothick in the beginning of April, joined in writing a letter to the Pope; wherein they declared, that while a hundred of them remained alive, they would never in any degree submit to the yoke of England, 'and, 'that if their king, whom they had accepted in that quality, on account both of 'his right, and of his merits in defending their liberty, should alter his conduct, 'and attempt to subject them to the king of England, they would immediate-'ly endeavour to expel him, and to make some other person their king who 'should be able to defend them.' The whole letter breathes the same spirit of independency and determined resolution.

Ford. l. 13, c. 2, 3. And. Dipl.

Rym. ib. 848, August 17.

It is probable that this letter was sent by Edward de Mambuisson and Adam de Gordon, two Scottish knights, who in the summer of this year were envoys from Robert Brus to the Pope. It appears from the Pope's letter to Edward, giving an account of the letters of Robert brought to the Pope by Mambuisson and Gordon, that Robert, though a suppliant for the Pope's favour, feared not to complain of the injuries he had received from him; in particular, of his having provided to the see of Glasgow an Englishman who was his capital enemy, and of his hard treatment of some Scotchmen and their friends at his court, for their corresponding with Scotland. But the chief errand of these envoys †, and object of Robert's letter, was to solicit a relaxation of the sentences that had been given against himself and his subjects; towards which they prevailed so far as to obtain a suspension of the process and inquisition, and a delay of the publication and aggravation of these sentences, until the first of April following.

This lenity of the Pope was probably in part intended to make Robert more placable for agreeing to a peace with Edward; which the truce lately concluded, gave time and opportunity to negociate and settle. He addressed, in the month of August, his paternal admonition to the king of England to set about this work of restoring peace with all earnestness; as he revered the prince of peace, and wished to give his aid for recovering the Holy Land, for which he had long borne the cross. In obedience to this admonition, Edward soon named commissioners, for treating of a final peace with Brus. These commissioners, meeting at Carlisle with others from the king of Scotland, could make no farther progress than to agree that another meeting of commissioners should be held at Newcastle on Candlemas-day; where they were to begin their deliberations by treating concerning proper securities, and a convenient place, which was to be within the county of Northumberland or Berwick, for carrying on this negotiation. And a safe-conduct was granted

Rym. ib. 846.

Sept. 15.

Rym. ib. 851, 861, 862, 864.

Nov. 17.

* The Engliſh biſhops had alſo powers of the ſame date, to excommunicate the Scottiſh nobles, with all their accomplices and adherents, who had invaded Ireland. Rym. ib.

† The Pope calls them ſpecial meſſengers.

Robert Brus, K. of Scotland.

to the Scotchmen commissioned for this effect, who were to be received at Tweedmouth by one or more of the English conservators of the truce, on the *morning* * of the day preceding Candlemas, and to be conducted by them to Newcastle. Meanwhile powers were given to some persons of eminence nigh the marches, to receive to Edward's peace and obedience such as were wounded in their consciences by the papal excommunication and manifold other causes; but these converts were to give sufficient security for their not violating the present truce by any attempts against Robert and his adherents. Powers were also given them †, to remit, in Edward's name, to those of Scotland who should return to their fealty and obedience, all penalties and forfeitures they had incurred; with an exception of English deserters, who had acted hostilely against their king and country, and who were not to be pardoned without farther special orders.

1320.

Dec. 11.

In the following January, a commission was given by Edward to twelve persons, most of them of the highest rank, one half clerks and the other laicks, to treat, conclude, and confirm a peace with Brus and his *adherents* ‡. Commissioners from Scotland met with these in the month of March, and to aid as mediators in the treaty, there were present two envoys from Philip king of France, sirnamed the Long, and two nuncios from the Pope §. But the claims on each side were so incompatible, and maintained so pertinaciously, that all endeavours to conclude a final agreement proved vain. This gave Brus the less concern, not only on account of his past successes, which had enriched his country with the spoils of England, but because a civil war broke out in England at the very time of the treaty; by which it was probable his antagonist Edward might be so distressed as to come to Robert's terms, especially as Lancaster, the chief of the rebellious faction, was his friend and ally.

A. D. 1321. Rym. ib. 866. 868, 884.

In the new commotions of this year in England, the object of which was to revenge against the D'Espensers, especially the younger, certain injuries and oppressions, but still more to pull them down from the unlimited ascendant they possessed over the king, the barons were at first successful, and by superior open force obliged the king and parliament to pass a sentence of forfeiture and banishment against both the father and the son. But, in the latter part of the year, Edward having gained some advantages, and exerted some severities that intimidated many of his opposers, strengthened his party so much, that the rebels were driven from the west of England into the north, where Lancaster's chief strength lay, and where he was nighest Scotland either to receive aid from his allies there, or to take refuge amongst them, if the fortune of war should be adverse to him. Lancaster had the audacity to summon a meeting of the English barons at Doncaster, to consult about remedy-

C. 349, 350.

* *Hora prima.*

† David earl of Athol and Robert de Umfranville earl of Angus were the two first in the commission given for this purpose. William Ridel, John de Penreth, and Roger de Horsely, were joined with them.

‡ Called in the commission, *suos complices et fautores.*

§ Rigand bishop of Winchester was both one of Edward's commissioners and a nuncio from the Pope at this negociation; the other nuncio was, William de Legdunce elect of Vienne. Rym. ib. 884, 868.

Edward II. K. of England.

1321.

ing the dangers, and losses brought on the nation by the king's evil counsellors; on whom he retorted the charge of favouring the invasions of the Scots.

Rym. ib 899.
Rym. ib. 893. August 25.

All prospect of concluding a peace with Scotland having ceased, Edward gave orders, in the end of August, to John de Penreth constable of the castle of Harbottle, to demolish it; and the sheriff of the county was commanded to assist him in this work with all his possé. About the same time Edward renewed his entreaties to the Pope to aggravate his censures against the obdurate Scots; and as the treaty that was in dependence last March afforded the king of England an excuse for not sending his envoys to manage his cause against the Scots on the first day of the preceding April, which was the day

Rym. ib. 891,

appointed for its hearing, so the intestine disturbances that had arisen in his kingdom, served the same purpose with regard to an adjournment of that

Ib. 930.

cause which the Pope had made to the first of September. Edward also, in

A. D. 1322. Feb. 19.

prospect of the renewal of war with the Scots, solicited the aid of his subjects of Aquitaine; and, when informed of their having some bodies of horse and foot ready for his service, he asked of Charles the Fair, king of France, a free passage for them through his dominions.

Ford. l. 13. c. 14.
Rym. ib. 927.
Rym. ib. 924.

The Scots lost no time, after the expiration of the truce, in renewing hostilities, which they carried on with great ferocity, not sparing either age, or sex, or places, however sacred. The earl of Murray appears to have been, on the Friday after St Hilary, at Corbridge on the Tyne; this being the date of a safe-conduct granted by him to Richard the chaplain of Topcliff, to

Ib. 907, 927.

come to confer with him in whatever place he should be. Several other evidences are still preserved of a correspondence of Lancaster and his accomplices with the Scottish king, and his two chief captains Randolph and Douglas, both before and after the expiration of the truce. These evidences are contained in intercepted letters, which the king by a special messenger sent to the archbishop of Canterbury, in order to their publication *. It appears from

Rym. 936.—940.

them, that Lancaster, Hereford, and their associates, had sent John de Denum into Scotland, with powers to treat with Robert Brus, Randolph, Douglas, and the Steward of Scotland, or the first of them he should meet with; the terms of the treaty were to be, that they were mutually to have the same friends and foes; that the Scots were to invade either England, Wales, or Ireland; that if the king of Scotland was prevented, by sickness or any other great occasion, from commanding in this expedition, Randolph and Douglas should undertake it with all their powers; and that the English lords were to engage, on their part, to use their endeavours, when the present quarrel was happily settled, to procure a good peace between England and Scotland, by which Robert and his lords should hold their lands in Scotland

Rym. ib 905. 906.

with the same freedom as they enjoyed theirs in England.

Andrew de Hartcla, Governor of Carlisle, was invested with the military command over the three northern counties of Northumberland, Cumberland,

Ib. 926.

and Westmoreland, for the purpose of assisting to quash the present formidable insurrection. Edward also gave him powers, in the beginning of February, to treat with the Scots of a peace or truce. Probably the diligence of Hartcla

* This publication was made at St Paul's, March 7.

obstructed

Robert Brus, K. of Scotland.

1322.

obstructed the correspondence between the English rebels and the Scots, and perhaps intercepted some of the letters by which this correspondence was carried on; thereby delaying the full conclusion of a treaty between them. He seems also to have amused them with some treaty of a short truce. For it doth not appear, that they either made any great effort to penetrate farther into England to join Lancaster, or that Hartcla met with any hindrance from them in carrying his northern forces to oppose Lancaster, when retreating together with Hereford, before the king; and purposing, as it seemed, to join the Scots. His progress in that direction * was stopped by the forces of the northern counties, under Andrew de Hartcla and Simon Ward governor of York; and after Hereford his chief confederate had fallen, Lancaster himself, with a great number of his friends and retainers, was taken prisoner at Burrough-bridge by Hartcla; who, for this important service, was created earl of Carlisle.

Carte, ii. 356, 357. Rym. iii. 943.

March 17.

Lancaster was soon after beheaded at Pontefract †, for his accumulated treasons; and his chief adherents suffered death, as traitors, in several different places of England. The faction was wholly broken; and had the king and his favourite used their victory with moderation, they would probably have been long secure against any formidable opposition. But the punishments were too numerous and severe; and a far too great share of the spoils of the vanquished was seized by the younger D'Espenser. The father also was created earl of Winchester; and the great depredations committed on his estates, in the beginning of these last broils, were amply compensated to him out of the lands and estates of the proscribed rebels.

Edward resolved to lose no time in improving his present prosperous situation, to prepare for an expedition against the Scots; in order to which, he at first proposed, that the rendezvous of his forces should be at Newcastle, on the feast of Trinity. He acquainted the Pope with his project of this expedition, and entreated his aid, by aggravating his censures against the Scots, and not by the measure he had formerly used of ordaining a truce; Edward being now resolved to obtain a perpetual peace by waging a more effectual war than he had hitherto done. For this purpose he again asked the assistance of his

Rym. ib. 944, 945, 946, 955.

* In Leland's Collectanea, tom. ii. p. 464. it is related from Packington's Chronicle, That Lancaster consulting with the barons of his party at Pontefract, the barons were of opinion that they should retire to Dunstanburgh; but Lancaster refused this counsel, lest it might give cause to suspect him of holding intelligence with the Scots, and so he resolved to remain at Pontefract; upon which Sir Roger Clifford, son and heir of the lord Clifford who was slain at Bannockburn, drew his dagger, and threatened to kill him on the spot, unless he would go with the rest of the barons; by which threatening, Lancaster was determined to march northwards.

† The king, while at Pontefract, appointed keepers of the castles, lands, and tenements, of Lancaster and the other condemned rebels. Richard de Emeldon was made keeper of those that lay in the county of Northumberland and bishopric of Durham, and Roger de Horsely was commanded to deliver up to Emeldon the castle of Dunstanburgh (a). Rym. ib. 941. Henry de Matton had the custody given him of all castles and tenements that had belonged to Lancaster in the counties of Westmoreland and Cumberland, and the castle and manors of Skipton in Craven and Burton in Lonesdale.

(a) Which having been a manor-house of the earl of Lancaster, the king had allowed him to make it a castle, in the 9th year of his reign. Dugd. Bar. 780.

subjects

Edward II. K. of England. 1322.

subjects of Aquitaine; part of which was to consist of two hundred *cross bowmen* *, and as many spearmen, of the ablest of the dukedom, to be sent to Newcastle, together with two thousand quarters of wheat, and a thousand casks of wine, *to be sent to the same place.* The Flemings, at that time, shewing their hostile spirit, by committing many violences at sea, near the English coast, and obstructing the importation of victuals requisite for the Scottish war, Edward ordered a fleet to be fitted out from the Cinque-ports, and the ports of Norfolk and Suffolk, to defend the kingdom against these troublesome neighbours.

Rym. ib. 949, 951.

Carte, ii. 359. Rolls.

A parliament held at York in the beginning of May, granted to the king, for serving in the Scottish war, a foot soldier out of every village in England; and a greater number out of the larger towns, to be maintained forty days at the expence of the inhabitants. The landed men gave a tenth; cities, burghs, and towns, a sixth of moveables; the clergy, two years tenths, formerly allowed by the Pope, to be advanced in one year, and five pence besides out of the merk: but this parliament having earnestly requested a delay of the term for going against the Scots till the eve of St James (24 July), the king consented, and issued a new summons to all his military tenants to attend him on that day, with their service, at Newcastle.

Rym. iii. 952, 953.

The delay of the expedition intended by the English, gave encouragement and opportunity to the Scots to make an inroad into England in June; but they made a much more formidable one in the beginning of July. In this incursion Robert having, with a choice band of his men, entered England, nigh Carlisle, spoiled the monastery of Holm, and advanced thence along the coast to Lancaster; where being joined by a body of his forces that had made their way through the interior parts, under the earl of Murray and the lord Douglas, he marched on to Preston, eighty miles within England; and some of his marauders even spread themselves several miles to the south of Preston. A few religious houses were the only places that escaped the ravages made in this long progress; and the Scottish army returning with much booty, encamped five days nigh Carlisle, while their detachments destroyed the crop and every thing else in that neighbourhood †.

Holingshed Sc. Chr. 224.

Rym. ib. 959, 960, 961.

Andrew de Hartcla, warden of the march in the counties of Cumberland and Westmoreland, and John de Penreth, who bore the same office in Northumberland, were ordered by the king, who was then at York, to arm all the horse and foot of their districts to oppose the invaders; and as the chief force of these was exerted in the western parts, where Hartcla resided and had the immediate command, the king gave him a farther charge to detain and to employ, in the defence of his district; all the footmen that had been granted by the parliament at York to the king, out of the towns in the counties of Northumberland, Westmoreland, and Lancaster; and who were to have been conducted to the rendezvous at Newcastle. Hartcla was also commanded to give warning to the inhabitants of the western march, to drive as fast as they could all their beasts towards Richmond, Cleveland, and other parts of York-

* *Baliſtarii.*

† During this inroad the Scots were in England three weeks and three days, from July 1, to 24. Hol. ib.

shire;

shire; where the king had ordered a friendly reception to be given them; and had also forbidden his officers to employ violence in seizing for his use any of the cattle, or other goods of the refugees. The lord Henry de Beaumont received also a commission to assemble and command all the king's forces, for protecting his people and repelling his enemies *. But this commission was declared not to be meant, in any respect, to hinder the intendance before ordered to be given to the earl of Carlisle. Robert Brus, K. of Scotland. 1322.

It is probable that Robert's incursion into England embarrassed and retarded the military operations of Edward; who did not enter Scotland till nigh three weeks after the time of the appointed rendezvous of his army at Newcastle. Robert, instead of hazarding a battle against the invading army, which was very numerous, followed the example his enemies had set him in his late incursion, by causing all cattle and provisions to be carried out of the country through which the English marched; while he with his army lay at Culross, on the other side of Forth. The English advanced as far as Edinburgh, and remained there three days; but finding no supply of provisions from a country wholly deserted and desolate, and storms at sea hindering the arrival of their ships, they were obliged, after fifteen days, to return to England, having undergone great distress from want of necessaries. In their return they wreaked their resentment on some of the religious houses; spoiling those of Holyrood-house and Melrose, and burning Dryburgh. At Melrose they killed the prior William de Peebles, and some of his monks; and carried off the silver Pix, profanely casting forth the Host on the great altar. Ford. l. 13. c. 4. Walf. Barb. 385. Ford.

Edward, soon after his return to England, appointed Andrew de Hartcla to be head-warden of Cumberland, Westmoreland, and the adjacent marches, and superior arrayer and captain of both men at arms and foot of that district. David earl of Athol had the same power given him over Northumberland and the marches on that side. In virtue of this commission, the constables of all castles in those parts were ordered to allow free entrance of the said earls into their castles, and to accompany them with their men, in going against the king's enemies; leaving only sufficient garrisons for defending their castles †. John de Bermyngham justiciary of Ireland, and who had been created earl of Lowth, for the great service of vanquishing Edward Brus, was commanded, with his men of Ireland and others, to *exert his utmost vigour and diligence* in giving aid to the earl of Athol in his charge. Sept. 15. Rym. ib. 973. *curiosè et viriliter.*

These precautions availed not to hinder the Scots from making a new irruption into England, very soon after Edward had left their country. Besides their usual ravages, they had, before the 20th of September, laid siege to Nor- Rym. ib. 975.

* Under Beaumont's ſtandard would naturally range themſelves, the people of his brother the biſhop of Durham; to whom the king made a grant, dated 22d July, that his ſending forth all his men between ſixteen and ſixty to ſerve againſt the Scots, in obedience to the king's command, which he had often done, ſhould not turn to his prejudice, nor be drawn into conſequence. Rym. ib. 964.

† Henry de Percy is required to be intending and obedient to the earl of Athol, leaving a ſufficient garriſon in his caſtle of Alnwick. Like orders were given to R. de Nevill, conſtable of the caſtle of Warkworth, Roger de Horſely, conſtable of the caſtle of Bamburgh, John de Lilburn and Roger Manduyt, conſtables of Dunſtanburgh caſtle, the conſtable of the caſtle of Budhow, Richard de Emeldon, chief keeper of the king's town of Newcaſtle upon Tyne. Rym. ib. 973.

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Edward II. K. of England. 1322.

ham castle; in which siege they employed several engines and machines *. Edward was then at Newcastle, and summoned thither all his military tenants, with all the forces they could muster, to march with him on the eve of St. Luke (Oct. 18.) against his enemies. This was but a short term for collecting again the forces of England, after their late dispersion, on their return from Scotland; but it was much too long for the Scots to await their arrival on the borders. Instead of this, after making great havoc in many parts of the border-country, a chosen-band, pushing a forced march from the neighbourhood of Carlisle to the abbey of Byland †, in the forest of Blackamoor, in the north riding of Yorkshire, where Edward at that time securely resided, surprised him; and pressed him so hard, that, with difficulty, he could make his escape to Bridlington, leaving behind him his plate, furniture, and money, for a prey to his enemies ‡. Two very eminent persons in the king's retinue, the earl of Richmond, and the lord of Sully, butler of France, while bravely opposing the Scots were made prisoners; Edward retiring to York, for his own safety, and to give what aid he could to the adjacent country, was not able to hinder the Scots from continuing their ravages a considerable time in Yorkshire; where they plundered Rippon, and raised a contribution of four hundred pounds from the canons and burgesses of Beverley §.

Hol. E. C. 332.

Oct. 14.

Rym. ib. 996.

A. D. 1323.

The extreme distress of the Northumbrians, from the Scottish inroads, had impelled them, notwithstanding former prohibitions of the king, to enter into treaties with the Scots, for obtaining some respite from their miseries by truces. But the king was now grievously alarmed on this head, by discovering that Andrew de Hartcla, in whose prowess and fidelity he had long so much confided, was privy to such transactions, and even a principal party in them. The king, on receiving this information, commanded Hartcla to come to him immediately at Cowyck, to give an account of his conduct. This order Hartcla, from a consciousness of guilt, refusing to obey, Edward notified by proclamation, to all the inhabitants of the northern counties, the treachery of Hartcla, in holding treaties, and making confederacies with the Scots, by a falsely alleged commission and authority from the king, for which reason Edward declared, that he now revoked all the power and trust he had formerly given him, and forbade his subjects, of the aforesaid counties, to obey him any longer. The chief command on the marches he now delegated to

Rym. ib. 983, 984, 993, 994.

Jan. 8.

Feb. 9.

* *Dimerſis ingenis et machinis.*

† According to Barbour, king Robert Brus in perſon, with his two great captains, Randolph and Douglas, were preſent in this expedition. The ſame author deſcribes a fierce conflict nigh Byland, wherein the Engliſh defended a narrow and ſteep paſs with great courage; but the Scots at laſt prevailed, by fighting bravely, and by the Highlanders climbing a craggy precipice, and falling on the Engliſh, who were at the head of the paſs. Barb. 388—392.

The epitaph of king Robert, in Fordun, l. 13. c. 15. ſays,

*Poſt Biland potitur, victoria læta paratur,*
*Turba ruens rapitur, deciſio multiplicatur.*

‡ The privy-ſeal was miſſing after this ſurpriſe; and a proclamation, with regard to it, was emitted, like that after the battle of Bannockburn. Rym. ib. 977.

§ In this incurſion the Scots remained in England a month and three days. Fab.

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his own brother Edmund, earl of Kent, whom he appointed his lieutenant in those parts, enjoining all the inhabitants to obey him, instead of Hartcla or his deputies. Robert Brus, K. of Scotland. 1323.

The king had given orders to Henry Fitzhugh, to seize Hartcla, and bring him a prisoner to his presence. But this service, as the historians relate, was performed by Sir Anthony Lucy, high sheriff of Cumberland; who, assisted only by his own retinue, bravely seized Hartcla in the castle of Carlisle, the chief seat of his command. The king being informed of this, while at Knaresborough, appointed five commissioners, having the earl of Kent at their head, to repair to Carlisle, and there to degrade, and give sentence against Hartcla for his crimes. The king sent them a schedule, which directed the judgment they were to give; and in which it is affirmed, That Hartcla had gone to Robert Brus *, and bound himself by oath and writing, to maintain to him and his heirs, the kingdom of Scotland against all men. It had been agreed between them, That Brus should name six men, and Hartcla the like number, who were to settle all the great affairs of Scotland and England; and to maintain this alliance, Hartcla had traitorously caused Edward's subjects to swear. After degradation from his earldom and knighthood, by being ungirt of his sword, and having his golden spurs cut off from his heels, he was to be drawn and hanged; his heart and entrails to be torn out, burnt, the ashes cast to the wind, and the body beheaded and quartered. The head to be set upon London bridge, and the quarters in the most conspicuous places of Carlisle, Newcastle, York, and Salop. It is related, that Hartcla hated the younger Despenser, and aspired to marry a sister of Robert Brus. He suffered in the ordinary place of execution at Carlisle with great fortitude; affirming to the end, that in his transactions with the king of Scotland, he had meant no hurt to his own king or country.

Rymer, ib. 988. Hol. & Chr. 334, C. 360.

Rym. ib. 999.

March 3. Chr. Lan. in Tyr.

The destruction of Hartcla was soon followed by a short truce between the kingdoms; which was an introduction to one of a much longer duration. The fate of Lancaster, followed by that of Hartcla, frustrated the successive attempts of Brus to distress Edward, by raising up adversaries to him from among his own subjects. A change of administration having happened in Flanders, Edward made, about this time, a truce with the Flemings; by which the Scots were deprived of the supplies they used to receive from that country. The execrations of the church still lying on Robert himself, his clergy, and people, gave uneasiness to them all. Henry de Sully, who was detained a considerable time prisoner in Scotland, joined his arguments and persuasions to the influence of the circumstances just recounted, and was engaged or allowed by Robert to propose a truce to Edward, as a mean of paving the way to a negociation for peace. Edward having consented to this truce, notified to his subjects the period of its duration; which was until the feast of Trinity. He engaged on due requisition, to redress any offences that should be committed against it by his subjects; whom he prohibited to have any correspondence with Robert and his adherents, or to go over to them,

Rym. ib. 981, 1006, 1007.

Rym. ib. 1001, 1002. March 14.

* At Lochmaben. Hol.

Edward II. K. of England. 1323.

without his special command. The sheriffs of Northumberland and Cumberland were enjoined to proclaim this truce in proper places of their counties, and to cause it to be observed; on condition, however, of their being certainly informed, that this had been done on the side of Scotland. *Conservators* of it were also appointed in Cumberland and Northumberland *, and William de Harle, was appointed to confirm it, by swearing on the soul of the king.

Rym. ib. 1004, 1007.

By a letter dated from Robert at Berwick to the lord Sully, seven days after the above-mentioned proclamation, it appears, that he had refused to consent to the truce published by Edward; because Edward, in his letters notifying it, describes it as '*granted* to the people of Scotland, who were at war against him,' without making mention of himself (Brus) as principal on the side of Scotland, as Edward was on that of England, which had been done in former truces. He gently blames Sully for suffering such a neglect; but taking for granted, that it would be amended, he desires a safe conduct for two knights and a clerk, who were ordained to pass into England, to receive an oath on king Edward's soul, for keeping the truce. Eight days after, the desired safe-conduct was granted to those who were to receive the oath; and at the same time a safe-conduct was given to Thomas Randolph, earl of Murray, and his retinue, of fifty horsemen, coming to Newcastle to treat of a final peace. Henry, lord of Sully, also received power from Edward to prorogue the truce for so long a time as he should judge convenient, on the conditions that were expressed in the king's letters patent †.

April 1.

Rym. ib. 1012.

Edward uncertain of the success of this negociation, and judging that the best way to render it effectual was to be well prepared for continuing the war, appointed the octaves of St. John Baptist (July 1.) for the day of rendezvous of all his military service at Newcastle; and required the magistrates of the Cinque-ports to fit out a fleet for transporting forces from Ireland to Skymburness, to be employed in the intended expedition. For aiding him in the same work, he had some time before asked a subsidy from the prelates of Aquitaine; giving them the usual security against their compliance prejudicing them in future.

April 17.

Rym. ib. 1017.

It is probable some scruple and delay in carrying on the proposed negociation had arisen from Robert's refusal to send his nephew Randolph into England, without receiving hostages for his security. This demand of hostages seems to have arisen from the high dignity of Randolph, and the importance of his life to the king and kingdom of Scotland. For by the settlement that was made of the succession of the Scottish crown, after Edward Brus was cut off in Ireland, and Robert Stewart, the king's grandson by his daughter Margery, at that time an infant, became the heir apparent; Randolph was appointed by the king and states to be the tutor of the king, and regent of the kingdom, upon the event of king Robert's death, while his grandson,

In 1318 at Scone. Ford. l. 12. c. 13.

* Anthony de Lucy in Cumberland, and Ralph de Neville and Roger de Horsley in Northumberland.

† This power is dated at the Tower of London. Probably the king, on returning to his capital, had left Sully in the North, with a commission for managing his affairs with the Scots.

or

or whoever else had a title to succeed to the crown, was a minor. To Robert just about this time, was born of his wife his only son and successor David*; by which means the probability was increased of a minor succeeding to the crown, and of the charge of the king and kingdom devolving on Randolph. And Randolph being a person who, by his great talents and achievements, had acquired the highest confidence of his countrymen, and had received the greatest proof of it they could give, in their conferring upon him the guardianship of their prince and themselves on the king's decease, which was most likely to happen while his son was a minor, it appeared to them reasonable that Randolph should be distinguished from other subjects, and his safety effectually provided for, by having an extraordinary security given for his safe return to his own country. Accordingly Edward engaged to give Randolph honourable reception and treatment, with liberty to return to Scotland at his pleasure; and that hostages for securing this, should be delivered at Tweedmouth, upon Randolph's entering English ground, with condition that these hostages should be ready at the same place to be exchanged for him, on his return: all which was confirmed by an oath that William de Herle, Edward's envoy to the Scottish court, was appointed to swear on the king's soul.

Robert Brus, K. of Scotland. 1323. March 5. Ford. l. 12. c. 5.

Rym. ib. 1017.

In the end of April, to give more time to the negociators to finish their work, there was a prorogation of the truce until the fifteenth day after Trinity; and before this term expired, a truce was concluded at Bishop's Thorp, near York; first to continue till the 12th of June, and then for the space of thirteen years. The commissioners had their first meetings at Newcastle ‡; where finding difficulties arise, which hindered at that time the conclusion of a final peace, they set about negociating a truce; and to carry on this with more certain and speedy effect, the Scotch commissioners agreed to come to the presence of the English king at Thorp; where the whole matter was solemnly debated in the king's council, and with their advice, the treaty was concluded on the following conditions ‡.

May 30.

Whatever was occupied or held by either party from the other, was to be restored aud evacuated before the 12th of June. Debates that should arise,

Rym ib. 1022. 1024.

* Fordun says, That the English this year fought a truce from the king of Scotland; and that for the joy of this birth, it was granted them for a year. Ford. l. 280.

† The English commissioners were Aym. de Valence, earl of Pembroke, Hugh le Despenser the son, Mr Robert de Baldok archdeacon of Middlesex, William de Harle knight, Will. de Ayremyne canon of York, Geffrey le Scrop; and those for Robert Brus were, William bishop of St Andrews, Thomas Randolph earl of Murray, John de Meneteth, Robert de Lowedre, the father knights, and master Walter de Twynham clerk.

‡ The parties are described to be, Edward for himself and all his dominions: and the commissioners of Scotland, for le Sire Robert Brus his subjects, adherents and aiders, and for the country of Scotland with its appurtenances.

* The Lord Henry Beaumont, though a baron of the realm, and sworn both of the great and privy council (as the record expresseth), being required to give his advice concerning this truce, irreverently answered, *That he would give none therein;* whereat the king in anger commanded him to depart the council; on which he went out saying, *He had rather be gone than stay;* which expression gave such distaste, that by consent of all the lords there, he was committed to prison. Whereupon H. de Percy and R. de Neville became his sureties, that he should appear upon summons; but the king was soon after reconciled to him. Dugd. ii. 50.

Edward II. K. of England. 1328.

with regard to the observation of the truce, were to be decided without delay, by the conservators on both sides; or, when the conservators were not able to determine them, they were to be laid before the kings, to be settled by their councils or commissioners. No fortresses were to be erected or repaired, except those already made, or now making; on the part of England, on the lands that lay between Scotland, and the mouth of Tine, and along the Tine to South Tine, in South Tindale, or in the county of Cumberland; and, on the part of Scotland, in the sheriffdoms of Berwick, Roxburgh or Dumfries. The subjects of the two countries were to have no intercourse without a special allowance; except the conservators, who might meet at their own pleasure on the marches, or where they thought fit, in the execution of their office. With regard to ships of Scotland, driven on the English coast, the article was just the same as in the last truce of Dec. 1319; with the addition, that the same regulations should extend to people and merchants of whatever nation, having their residence in Scotland and their goods; which merchants, or others, might victual and stay in safety, until they could conveniently remove. Stranger merchants were not to be disturbed in the importation of goods into the one or the other country, if these merchants were not of a country that was at war with the one or the other. Persons aggrieved or damaged, in violation of the truce, might safely, without leave, pass to the conservators on the one or other side, to prosecute their complaints; in which trespasses common law was to be executed, as in the time of peace; or if they belonged to the march-law, proceedings were also to be the same as formerly in time of peace. Edward was not to oppose Robert Brus, or others of Scotland, in seeking from the Pope absolution of sentences, or processes against them; but this absolution was not to extend beyond the expiration of the truce, if before that term a peace were not concluded. Edward engaged to give no aid to any person or party warring against Robert, nor to reset them in his dominions; saving his alliance with the king of France. Sufficient conservators of the truce were to be appointed for maintaining it in all points, and for giving speedy redress of all violations. This treaty was confirmed by an oath, which the earl of Pembroke took, on the king's soul, and by the oaths of the earls and barons of

June 7.

England, who were with the king at York. And it was, in like manner, with consent of the bishops, earls, and barons of Scotland ratified at Berwick by Robert Brus*; who caused his nephew Randolph swear to the observation of it, on his (Robert's) soul; and also all his earls, with the steward of Scotland, and several of his chief barons, to give their oaths for confirming it. William Latimer and William Harle were sent to Berwick, to receive these oaths for their master; and had it also in charge to receive the hostages that had been given for the security of Thomas Randolph earl of Murray †

* In the inſtrument of this ratification, the title of King is not annexed to the name of Robert Brus in the beginning; but in the end of it, he calls himſelf *king of Scotland*. *Nous Robert Roi d'Eſcoſſe avant dit.*

† Latimer had alſo a particular charge given him of the Scottiſh commiſſioners who had concluded this treaty, to conduct them back to Scotland. Rym. ib. 1025.

On

Robert Brus, K. of Scotland

1323. June 1. Rym. ib. 10. 26.

On the part of England, conservators of this truce were appointed on the Northumbrian and Cumbrian march, three for each *. These conservators had power to chastise and punish the violators of it, agreeably to the form of the truce, and the nature of their office; with a salvo of amerciaments and other things that belonged to the king; and the sheriffs were enjoined to give their aid, as in the appointment of the conservators of the truce of 1319.

Rym. tom. iv. 28, 29, 46, 47, 68.

As it was a principal object of the Scottish king in agreeing to a truce with England, to make his peace with the Pope, he sent to the court at Avignon, soon after the truce was concluded, his nephew the earl of Murray; who appears to have been the man of his chief confidence in all his affairs †. Randolph came into the Pope's presence, in the character of a pilgrim, who had vowed a journey to the Holy Land; supplicating from the Holy Father leave to perform his vow, together with the indulgences that were usually given to croises. He informed him also of the desire his master had to undertake the same journey, in company with Charles king of France ‡. The Pope could not give his countenance to either of these proposals, while the king and nation of the Scots lay under the malediction of the church, and were at enmity with England. Randolph expressed the most earnest desire that these disqualifications should be removed; but at the same time assured the Pope of Robert's persisting in his resolution to receive no letters from him, while he refused to address him as king of Scotland. The Pope writing to the king of England an account of this transaction, at which Henry lord of Sully, who had laboured so successfully for the truce of thirteen years, was present, expressed his inclination to give to Robert the so much desired title of King, as conducing to peace, and not essentially hurting Edward's rights. But Edward viewing it in a different light, entreated the Pope to refuse it. His entreaties and interest at the papal court prevailed, and frustrated all the efforts of the Scottish envoys to procure the Pontiff's absolution and friendship §.

Dan. iii 380. 382.

Notwith-

* Thoſe for Northumberland were, Ralph de Neville, Roger de Horſley, and Richard de Emeldon, or two of them; and for the county of Cumberland, Ralph de Dacre, John de Havering, and Adam de Skelton: but on July 3, the king nominated Robert de Umfranville earl of Angus, Roger Heyroun, Roger de Horſley, or any two of them, to keep foreſaid truce from its beginning until the twelfth of June enſuing. Ib. 1026.

† Randolph is only mentioned in the Pope's letter, but from the treaty with the king of France, which ſeems to have been concluded during this journey of Randolph into that kingdom, it appears that Robert Keith, marſhal of Scotland, and Adam Murray doctor of law, were his fellow-ambaſſadors. Aberc. i. 616.

‡ Philip le Long had left it in charge to his brother and ſucceſſor Charles the Fair, to undertake the expedition to the Holy Land, which Philip himſelf had always intended to make; and Charles, in the beginning of his reign, ſent ambaſſadors to the Pope to concert this expedition; but other affairs intervened. Dan.

§ The envoys of Robert Brus had better ſucceſs at the court of France, where Charles IV. conſented to the renewal of the ancient league with Scotland. By this each of them were engaged to wage war with England, when required to do ſo by the other, and neither of them was to make a peace or truce without comprehending the other in it: Robert Brus, however declaring himſelf free from the effect of this engagement, during the term of his late truce with England. There was alſo an article about the ſucceſſion to either of the crowns, which, if on a vacancy of the throne it became doubtful, was to be determined by the judgment of the principal lords of the two kingdoms,

Abercr. i. 616. from Collection of treaties, Amſt. 1700.

Edward II. K. of England.

A. D. 1324. Rym. ib. p. 59. 60. June 12.

Notwithstanding the opposition the Scots met with at the papal court from Edward, he appears to have taken care to maintain the truce, and to have given proper orders for remedying trespasses against it *. He also appointed some of the most eminent men nigh the marches, to receive to his peace and fealty such as had been driven by their poverty and other necessities to adhere to the Scots, and now inclined to return to their allegiance to Edward; provided that they had not possessed lands or tenements in England, were of good fame, and that nothing contrary to the truce should be done with regard to them. Their names were also to be notified to the king, who was likewise to be informed concerning the names and conditions of any Scotchmen, who should offer their faith and peace to him, that he might advise with his council about what ought to be done with them.

Rym. ib. 86, 103, 104, 140, 141.

Toward the end of this year †, on the earnest recommendation of the Pope, a meeting was held at York of commissioners from both kings for treating of a final peace. The English list of commissioners consist of twelve; and the D'Espensers, father and son, were two of that number ‡. The envoys from Scotland were eight, having at their head the bishop of St. Andrews and the earl of Murray; and the charge of conducting them in safety to York was intrusted to Robert de Umfranville earl of Angus, and Ralph de Neville, or either of them. The Scots, probably encouraged by the breach that had happened about this time between France and England made such demands as Edward, writing about this treaty to the Pope declares he could not grant without the manifest exheredation of his crown. The English offered to submit certain doubtful articles to the determination of the Pope; but the Scots refused to make this submission.

Mon. Malm. 229—232.

A cotemporary writer gives a more particular account of this transaction. According to him, the Scots demanded an entire exemption from all homage to the crown of England, with the property of the north of England as far as York; to which city they had frequently extended their incursions in the course of the late war. They demanded the restitution of certain manors in Essex, which had been forfeited to king Edward I. upon Robert Brus's seizing the crown of Scotland. They required also the chair of Scone, in which was the fatal stone, to be restored, and proposed an alliance between Robert's daughter and prince Edward of England. The answer made for the king of England to these demands, was, in general, that they tended to the revival of strife and breach of the truce; instead of conciliating a lasting peace;

P. Daniel, tom. iii. 397, 398.

kingdoms, which decision the other king was to support with all his might, even so far as to go in person with a great force to defend the lawful heir. P. Daniel places this league in 1324, but Abercromby in April 1326. (The first account agrees much better with its being concluded by Randolph and his fellow envoys to the Pope.)

* Such were committed by John de Glinton keeper of the Water of Sulewath, who, under pretence of that commission, had seized several Scotchmen, and delivered them to the sheriff of Cumberland. The king orders the sheriff to carry these men before the wardens on their march-days, *(dies suos marchæ,)* to receive justice. Rym. ib. p. 59.

† Carte is mistaken in placing this negociation in the end of the former year. Carte, ii. 361.

‡ William de Herle, who was one of the commissioners for holding this treaty, had an order for ten merks out of the treasury for his expences. March 5. Rym. ib. 139.

in

in particular, that he could not, without injury to his crown, give up the rights of his ancestors enjoyed in Scotland; that the inroads of the Scots could be no foundation of right to lands which they never quietly possessed; if incursions gave such a right, the greatest part of Scotland must belong to him; that he would not rescind his father's act, by which the lands held in England by Robert Brus had beeen forfeited. He rejected the proposed match as unequal and dishonourable; but with regard to the chair of Scone, observed, that it was too frivolous to be a subject of contention, if other disputed articles had been agreed. Robert alleged in the beginning of this negociation, that he could not warrant the keeping of the truce by his subjects, so long accustomed to war and plunder, if it were not changed into a final peace; but although the projected peace failed in the manner above related, the truce continued to be observed *.

Robert Brus, K. of Scotland. 1324.

The time of this negociation for a peace between England and Scotland coincided, as was before hinted, with the beginning of a war between England and France; which, in its consequence, proved fatal to the unfortunate king of England. This war took its rise from Edward's delaying to pay homage to his brother-in-law Charles the Fair, for the provinces of Guienne and Ponthieu. The D'Espensers had greatly offended the queen, and were afraid to accompany the king to France, where they would be exposed to the revenge of the queen's powerful relations; and they were equally afraid to remain at home, during the absence of their master, lest the Lancastrian faction should rise up against them. After Guienne had been invaded by a French army in August 1324, and a body of forces had been sent over to its aid, which the king proposed greatly to augment, by conducting thither an army in person, he had assurances sent to him from the French court, that the presence and mediation of the queen with her brother, would be the most effectual method of bringing about a peace. Edward giving his approbation to this proposal, the queen passed over to France in March; and on the last day of May a treaty of peace was concluded, by which Edward engaged to pay homage in person to the French king at Beaüvais in August. But an illness, real or feigned, being alleged by Edward as an excuse for his not passing over to France at the time prefixed, an offer was made by the French king to accept

Carte. P. Dan. tom. iii.

Rym. ib. 140. A. D. 1325.

Dan. iii. 388.

Rym. ib. 163.

* On April 14, Robert Umfranville earl of Angus being dead, William Rydel and Gilbert de Byrondon, were appointed in his place, and conjoined with Roger Heyron and Roger Horsely, as conservators of the truce in the parts of Northumberland. Rym. ib. 144. And on May 8, Ralph de Dacre being gone to Aquitane, and Adam Skelton being lately dead, to supply their place as conservators of the truce on the Cumbrian march, Peter de Tylliol and Alan de Grymesdale were appointed, in conjunction with John de Harryngton.

On the 20th of July, the king being then resolved to pass over into France, added Henry de Percy, John de Clavering, and Ralph de Neville, to the conservators of the truce appointed on the 14th of April Of the same date, Percy, Claveryng, and Neville, have a commission to guard the coasts of Northumberland, and to repel all invaders. Rym. ib. 158.

On the 25th of March in the following year, the king wrote to Henry Percy and his fellow-conservators, blaming them for their granting rashly and indiscriminately letters of safe-conduct to the Scots and their adherents for entering England, which could not but be detrimental and dangerous to his kingdom. He therefore forbids giving such letters for the future, except in strict conformity to the truce. Ib. 198.

of

Edward II. K. of England. 1325.

of the required homage from prince Edward, the king of England's eldest son, upon his father's making a cession to him of his French dominions. The unwary monarch, by the advice of his favourites, agreed to this proposal; and by doing so, put both his queen and the heir of his crown out of his power; at the same time furnishing them, by the cession just mentioned, with an ample revenue for their support. The queen, soon after the arrival of her son in France, declared her resolution not to return to England; unless the D'Espensers were first removed from the councils and court of her husband. To accomplish this, which was not to be effected otherwise than by force, she began to threaten an hostile descent on England. The exiles of the Lancastrian faction flocked around her at the French court; among which Roger Mortimer, who had made his escape out of the Tower, and taken refuge in France, was distinguished, by a peculiar degree of her favour. The friends of these exiles and enemies of the favourites, were by far the greatest and most numerous part of the king's subjects at home; and, from these circumstances, the king was kept in a most distressing dread of a descent and insurrection for many months before they happened.

Rym. ib. 149. 177.

During this interval the Scots were again soliciting the Pope for a relaxation of his censures: for which purpose they sent envoys to him, in the summer of 1325; but they still requested this relaxation in vain. And it seems not improbable, that king Robert's earnest desire of being reconciled with the Pope, who, in the strife between Edward and his queen, declared himself strongly on the side of the former, was a reason for his not entering into such engagements with the rebellious faction in England as he had formerly done. Perhaps also he was discouraged by the bad success that had formerly attended the enterprises of his allies of that sort. Only a little before the catastrophe that proved fatal to Edward *, this prince had agreed to send special envoys or commissioners, to terminate, in conjunction with others of the like character from the king of Scotland, certain disputes arising from outrages which Robert alleged had been committed by the subjects of Edward, in violation of the truce; and which were of such a nature as could not be redressed by the conservators of the truce, but behoved, according to the late treaty, to be referred to the kings themselves, or their special delegates.

Aug. 29. A. D. 1326. Rym. ib. 224.

Ab. p. 582.

Edward's queen, bent on revenge at whatever price, seduced the prince from his duty and allegiance to his father; and, although he was not yet fifteen years old, contracted a marriage for him with Philippa, a daughter of the earl of Hainault. The view of this alliance was to obtain a military and naval aid, which was strengthened by the secret assistance of France, and with which, under the command of J. de Beaumont, the earl of Hainault's brother, she landed on the coast of Suffolk from Dordt in Holland, about the end of September. The king, deserted by the citizens of London, and al-

* He had, in June, sent three envoys to Robert de Brus, to explain his mind about certain articles in the late truce; and Weelle, one of these, was in the end of August impowered, in his master's name, to agree to a day and place for a meeting of commissioners. Rym.

most

most all his nobles *, and even by the earls of Norfolk and Kent his own brothers, was soon reduced to the last extremities. His favourites the D'Espensers were seized, and executed as traitors. He himself, after attempting in vain to pass over to Ireland, was found lurking in Wales, made a prisoner in Kennelworth castle, and soon after compelled to resign his crown; to which a parliament, consisting almost wholly of the queen's faction, and seconded by the people of London, raised his son, by a resolution made on January 13. By the same authority this hopeful young prince was crowned on the first of the ensuing February; and a counil of regency, consisting of five bishops and seven lay-lords, appointed for managing the affairs of the nation during his minority.

Robert Brus, K. of Scotland. 1326.

A. D. 1327. Edward III. K. of England.

It is related by the English historians, that on the night of Edward III.'s coronation, the Scots made an unsuccessful attempt to take the castle of Norham by surprise †. This might have have been the enterprise of some unruly borderers, without the knowledge of their king: and that it was not the immediate cause of a rupture between the kingdoms: appears from the commission given by the new king of England to five persons, the first in the list of them being Henry de Percy ‡, to be keepers of the truce with Scotland; in the introduction to which, it is declared to be the king's pleasure to have this truce inviolably observed. And, conformably to this declaration, the abbot of Rievalle and Jwo de Aldburgh had, soon after, powers given them to swear on the king's soul to the observation of this truce; which the king had by his letters patent accepted and approved. They were empowered likewise to agree to a certain place and time for a meeting of commissioners from Edward and Robert, for negociating a final peace. Henry de Percy had recommended himself to the queen's favour, by coming, with other northern lords, to join her at Gloucester about a month after her landing in England. He was appointed one of the council of regency; and having undertaken, on the 14th of February, the keeping of the march towards the northern parts §, until the ensuing Whitsunday, with one hundred men at arms, and the same number of hobelars ||, and as many of his own men as he chose to employ, he received out of the royal treasury 1000 merks as full wages ** for that service.

Hol. Hift. Sc. 227. from Ric. Southwell.

Feb 15. Rym. ib. 256. 271.

March 4.

But it soon appeared that a far greater strength than that which was to serve under the lord Percy, would be requisite for the defence of the English

* The only two of the old nobility that continued faithful to the king were, the earls of Surrey and Arundel, the former of which earls was in the north, guarding the marches againſt the Scots. Carte, iii. 374.

† The governor, Robert Manners, appriſed of the deſign by one of the garriſon, a native of Scotland, and intruſted with the ſecret, after he had allowed ſixteen of the Scots to ſcale the walls, fell upon them, killed the greateſt part, and made the reſt priſoners.

‡ The reſt were Ralph de Neville, Roger Heyron, William Rydell, and Gilbert Boroughdon. The terms of the commiſſion are the ſame with that of June 1, 1323.

§ The diſtinction is here manifeſt between the office of warden of the march. *cuſtos marchiæ*, and keeper of the truce, *conſervator treugarum*.

|| Hobelars, light armed cavalry, mounted on ſmall ambling or hobbling horſes.

** For wages, replacing of horſes (*reſtauro equorum*), and all other things.

Edward III. K. of England. 1327.

march. For, although Robert Brus had consented to a meeting on the marches, to be held on the Sunday before the feast of Ascension, for treating of a final peace, the English regency were informed, that he had given orders to all his power of Scotland to be assembled on the march, on the very day that was prefixed for commencement of the treaty; and that, if he could not have a peace on his own terms, he purposed to invade England, notwithstanding the truce. And this was so firmly believed, that a summons was issued to all the military vassals of the king of England, to attend him on the Monday before Ascension-day (May 18), with their whole service, at Newcastle on Tyne, in order to repel the invaders; and, if his council should judge it expedient, to march further against them, for the recovery of the rights of his crown *. On the same day the naval force of the southern ports was ordered to be at Skimburness, near the mouth of the Tees. And in the end of the month, the king applied to the cities and great towns of his kingdom, to send to him, for defence of themselves and the whole nation, some of their best men, mounted on horses of thirty or forty shillings value, to accompany him, on his pay, in the intended expedition; giving his promise, that the compliance of the towns with this request should not in future turn to the prejudice of their liberties; and that in due time he would satisfy them for their expences in furnishing the aid now desired.

May 17. April 5. Rym. ii. 282, 284, 287.

April 29.

Meantime, according to the agreement lately made, commissioners were appointed by the king of England, to treat of a peace, at a meeting on the march †. But the Scots, notwithstanding the depending negociation, evidently discovering hostile intentions, Thomas of Brotherton, duke of Norfolk and marshal of England, and uncle to the king, was sent to Newcastle to command a considerable body of good forces assembled there, about the middle of May, which had been prefixed for the general rendezvous; and to Carlisle, the key of the kingdom, on the other side, were sent the lords Robert Ufford and John Moubray, with a reinforcement to the lord Anthony Lucy of Cockermouth, who was then governor of the town and castle of Carlisle.

Rym. ib. 292,

Dugd.

Towards the end of May, the king and royal family came to York, as a fit place for awaiting the motions of the Scots, and collecting the national forces to oppose them. Thither came also the lord John of Hainault, whose former success in avenging the queen against the Spencers, and in raising the young king to the throne, encouraged to the pursuit of new glory, by repelling and subduing his enemies. A gallant body of Flemish horsemen accompanied him; who having fallen into a bloody strife with the English archers at York, were, in the progress of the expedition, with difficulty protected from their revenge.

* Carte, from Rolls, says, that the chief command of the army was vested in the earls of Lancaster and Kent, ii. 390.

† The commissioners appointed were nine; the archbishop of York, the lords Henry Percy and Henry Beaumont being of the number; and Jwo de Aldeburgh was sent before to settle the time and place of the meeting, and what was necessary for the security of the commissioners on both sides. Rym. ib.

The

Robert Bruce, K. of Scotland.

1327.

The Scots not being contented in their demands, and rejecting with disdain the proposals of the English commissioners, as tending only to amuse and delude them, made an inroad into England about the middle of June, laying waste all before them with fire and sword. This gave such an alarm at York, that the arrayers and sub-arrayers of the adjacent parts, whom the late king had appointed for raising the whole posses of horse and foot to repel such inroads, were empowered and strictly enjoined to assemble these, and to conduct them, properly armed and arrayed, to the king at York; in which service the sheriffs were also required to give their aid. But the progress of this incursion of the Scots doth not seem to have been answerable to the alarm it gave; and it is likely, that the English forces on the marches, with those that had been sent to their aid, were sufficient to oblige the invaders soon to return to their own country *.

Rym. ib. 287. Ford. l. 13. c. 12.

But before the middle of next month, a much more formidable band entered England, nigh Carlisle, under the command of the earl of Murray and lord Douglas. This army consisted of twenty-four thousand horse, the knights and esquires being mounted on handsome able steeds, and the rest on hardy nags of a small size. They marked their way with the usual devastations, and penetrated through Cumberland into the south-western parts of Northumberland; and thence into the western parts of the bishopric of Durham, which are very wild and mountainous.

Froiss tom. i. c. 18, 19. Barb. Bruce, 403—422. Ford. l. 13. c. 8.

The king of England was at Durham on the fifteenth of July, in his way to meet the invaders; but his army, which, according to some accounts, consisted of one hundred thousand men †, was far too numerous and too much encumbered, to follow the Scots through the desert and rugged paths through which their skilful and experienced leaders industriously led them; in the view of exhausting their enemies with toil, hunger, and watching, and of finding some favourable situation for attacking them. The English army, after a vain, fatiguing pursuit of three days, resolved to cross the Tine, and wait on the side of that river the return of the Scots homewards; but they waited a week in vain, to their own great distress, from heavy rains falling on them unsheltered, great scarcity of food for men and horses, and the difficulty and danger of passing and repassing the river. Wearied with these hardships, after they had repassed the river, they engaged in a new pursuit; but having lost all certain intelligence of the motions or place of their enemies, a reward of land, of the value of £100 a year, during life, together with the honour of knighthood, was offered, by a proclamation made throughout the army, to any person who should conduct the king to the sight of his enemies, in a place where he might approach them on dry ground.

Rym. ib. 312.

The offered reward was gained by Thomas de Rokeby, who riding forth with several other adventurers, to make the desired discovery, was taken prisoner by

* Yet it is said, in Lel. Coll. from Sc. Chr. (ii. 551) that the unskilfulness of the English leaders in war, hindered them from going forth against lord Douglas, although he burnt the country within three miles of Newcastle.

† In Leland's Collect. i. 475. it is said, that this was the faireſt hoſt of Engliſhmen that ever was ſeen.

Edward III. K. of England 1327.

some of the advanced guards of the Scotch army. Being carried before the leaders, and declaring to them his purpose in approaching so near, he was immediately set free, in order to carry to the king of England the information he so much desired. The Scots were then encamped at the distance of a few miles, on a hill whose foot is washed by the river Were; from which river, the adjacent tract, in the western part of the bishopric, is called Were Dale. They moved in a few days to another hill of a similar situation in Stanhope-Park; but which was rendered stronger than the former by a wood. The English army marching to the side of the river, in each of these situations, endeavoured all they could to bring their enemies to a battle; but could not pass a rapid stream with a stony bottom, and mount the hill on the other side, without being exposed to the greatest hazard. They made an offer to leave room to the Scots for drawing up their army, if they would descend from their height, cross the river, and fight on equal ground; but the Scottish commanders were too sagacious and steady to be moved by this bravado.

Mean time there were rencounters between adventurous knights with various success. But these were frivolous, when compared with an exploit of the lord Douglas; who, on the * first night of the encampment of the Scots in Stanhope-Park, having crossed the Were, at a considerable distance above the situation of the armies, entered the English camp with a party of two hundred choice horse. This resolute band, with their valiant leader, forced their way, through great slaughter of their enemies, to the royal tent, whereof they cut two or three cords; and the king narrowly escaped, at the expence of the lives of his chamberlain and chaplain. An alarm was by this time raised, that compelled Douglas to retreat; which he did, with his usual ascendant of courage, and with the loss of only a few of his men†.

The Scots having, by the brave enterprise of Douglas, taught their enemies to keep so strict a watch as destroyed their hope of succeeding in any future sudden assault, and beginning also to be distressed by scarcity of provisions, particularly from the failure of their oat-meal, did at last resolve on a retreat to their own country. This is said to have been conducted by the address of the lord Douglas; who, in a dark night ‡, led the Scottish army over a morass, two miles broad, formerly deemed impassable, by the help of flakes made of branches cut from the wood in the neighbourhood of their last encampment; and which casting before them into the broken parts of the bog, as they advanced through it, they led their horses over these parts. By this means they had crossed the bog, and were several miles on their march toward Scotland, before the English knew they were gone. What served farther to prevent this discovery, was a false alarm that had been conveyed to the English camp, by a captive from the Scottish, who had probably on purpose exposed himself to be taken, and who informed the English leaders, that the army of his countrymen had received strict orders to be ready on the ensuing

Barb. R. B: 419, Hard.

* Barbour places this adventure on the night before the Scots set out on their return, p. 418.

† Carte, from Annal. ad Ann. 1377, says, that the greateſt part of Douglas's followers were killed; not above forty of them eſcaping.

‡ Dark moonleſs night. (Carte, from Annal. ad Ann. 1377).

night

night to follow the banner of Douglas. It was not doubted that an attack was intended to be made on the English camp; and to receive this the army was drawn up in fit array, and kept under arms till the following morning; when two Scottish trumpeters, on purpose left behind, brought the first information of the sudden motion of their countrymen: who arrived on the Scottish side of the march on the third day after, being the eve of St. Laurence *. Robert Brus, K. of Scotland. 1327.

The English who passed over to view the deserted camp, saw in it proofs of that simplicity and hardness of living, which gave their enemies, when under proper direction, a superiority to forces far more numerous and regular, but at the same time more luxurious than themselves. The skins of the beasts they had slain for food, being in the form of a bag, suspended loosely on stakes, were hanging over the remainders of the fires; these hides serving as kettles for boiling their flesh. A great number of spits had meat on them ready for roasting. Many carcasses of black cattle, and of red and fallow deer were also found; with some thousand pairs of shoes made of raw hides. The beasts on whose half-boiled flesh they chiefly fed, were the stores of the mountains and fields they traversed and ravaged. The rest of their provision consisted of oatmeal, which they were wont to carry in bags behind them, and of which they made a thin paste that they baked into cakes, by the help of iron plates trussed in their saddles. Their drink was from the nearest fountain, stream, or lake †. August 9.

On the day following the retreat of the Scots, the king being still at Stanhope, a summons was issued for the meeting of a parliament, at Lincoln, on September 15th, in order to consult about the defence of the kingdom against the Scots; who having 'contemptuously refused to enter into a treaty of 'peace, and entering England with an army, had committed great devasta-'tions, and when this army was beset by the army of England as closely as 'possible in the park of Stanhope, the former secretly and in the night made 'their escape out of the park, like vanquished men, and returned toward 'their own country; some of them being pursued and slain by a part of the 'English army ‡; yet as the king was informed, they purposed again to as-'semble and perpetrate farther mischiefs.' Notwithstanding these apprehensions, the English army, very much distressed by their short campaign, were dismissed; and the Scots soon after laid siege to the castles of Norham and

* Murimuth, and Walfingham from him, fays, that the Scots, though only about a third of the number of the Engliſh eſcaped from them, after being beſieged fifteen days in Herdale (i. e. Weredale) by the treachery of ſome of the great men of England. In Leland, Coll. i. 475. this treachery is aſcribed to Mortimer, who by his artful practices, influenced Thomas the earl marſhal to oppoſe an engagement; and by this oppoſition, and other arts, hindered the earl of Lancaſter and John of Hainault from fighting the Scots, although they inclined to it.

† This famous road of the Scots, Froiſſart has related very circumſtantially; from the informations, no doubt, of his countrymen the Flemings, who had ſo conſiderable a part in it, and to whom the face of the country, the manners and arts of the Scottiſh warriors, and the circumſtances attending the vain purſuit of them, were probably new and ſtriking.

‡ Theſe, according to Carte, from Annal. ad Ann. 1377, were about two thouſand ſtragglers in the rear of the Scottiſh army, who had thrown away their arms to march the faſter, and were cut off by a party of light horſe ſent after them. Carte, ii. 394.

Alnwick,

Edward III. K. of England. 1327. Hol. Sc. Chr.

Alnwick, the former whereof they took. But they had not the same success at Alnwick; and in the siege of that fortress, three Scottish knights, William de Montalt, John de Clapham, and Malis de Dobery, with some others, were slain *.

Sept. 21. Rym. ib. 314, 321, 325, 328, 335.

In the following month, the deposed king of England, after having survived much inhuman treatment in different places of confinement, was at last most cruelly murdered in Berkley castle; and nobody doubted of his having fallen a victim to the fears and jealousies of the queen and her favourite Mortimer. This dissipated every scheme for the restoration of that prince, and utterly blasted a project formed for that purpose, in which the king of Scotland had perhaps been in concert with some of the friends of the unfortunate monarch. At the same time, the horrid deed ascribed to the dowager and her favourite, rendered them more odious than ever; and their hazard from domestic resentments, dictated to them the measure of concluding a peace with that foe who had distressed England so long, and whom it was found so very hard to subdue. Powers were given to the lord Henry Percy and William de Denum, to negociate a final peace between Edward and his subjects on one part, and the great men, nobles, and rest of Scotland on the other. By the agency of these delegates, a favourable opening appears to have been made to farther proceedings of the same tendency; to carry on which, a commission was given to thirteen persons of England, several of them of great eminence; and corresponding letters of safe-conduct were given to commissioners from Scotland. These commissioners from the two nations having met at Newcastle, made such a progress, that a parliament was summoned to meet at York on the Sunday after Candlemas, to deliberate on the articles that had been proposed for effecting a final pacification. Meantime a truce was concluded, to continue until Sunday in Mid-Lent †.

Oct. 9.

Nov. 23.

Nov. 20.

Dec. 10.

Rym. ib. 335. A. D. 1328. Jan. 24. Mat. Weſtm. Cont.

The king, while attending these transactions at York, was married by the archbishop of that place, to his amiable queen Philippa, daughter of William, sirnamed the Good, earl of Holland and Hainault; and in defraying the expence of this marriage, was employed a considerable part of the grants which a parliament and convocation assembled at Leicester in the beginning of November had made for supporting the war with Scotland. About the time of the king's marriage, orders were issued in his name to the bishop of Durham, the sheriffs of Northumberland and Yorkshire, and magistrates of Newcastle, to give honourable reception and every kind of good treatment to certain Scotchmen, to the number of a hundred, who were coming to York to treat about matters relating to a final peace between the nations; and the

Carte, ii. 394. Jan. 22. Rym. ib. 334.

* Fordun says, that these three knights were slain at the siege of Norham, and that this happened through some failure of their own (*propriâ inertiâ*). Barbour says, that during these sieges, king Robert was employed in subduing all Northumberland, and distributing the lands thereof among his Scottish subjects.

† The nine conservators appointed for this truce on the English march were, Henry Percy, Ralph Neville, Roger Heron, Gilbert de Bourondon, Th. de Fetherstonhalgh sen. and jun. and Hugh de Walis, two of them a quorum.

king

king gave his letters of safe-conduct to the same commissioners until Mid-Lent *. Robert Brus, K. of Scotland.

1328.

The English parliament having met at York, their consent † was obtained to a preliminary deed of the greatest moment in the present transaction. This was a renunciation by the king of England and his council in parliament, of all right to the dominion or sovereignty of the kingdom of Scotland, which he himself and some of his predecessors had endeavoured to obtain. But now considering the dreadful havoc of the wars that had arisen from this claim, and the benefits that would be mutually derived to the kingdoms from the firm bond of a perpetual peace, and particularly the security this would give against foreign attacks or domestic insurrections; the king wills and grants, that the kingdom of Scotland should be held by Robert Brus, his heirs and successors by the same marches as in the time of Alexander III. and should remain for ever divided and distinct from the kingdom of England, and in all respects independent of it. He renounces all prior claims of sovereignty, discharges all conventions concerning the subjection of Scotland; and declares all papers and instruments that might be any where found concerning such subjection to be void and null ‡; and to confirm the above deed by an oath on the king's soul; full power was by other letters patent given to Henry Percy and William Zousche of Asheby, or either of them. March 1. Rym. ib. 337. Ford. l. 13, c. 12.

The persons just mentioned with the bishops of Lincoln and Norwich, and Geffrey Reseroy were sent to the king of Scotland, with this renunciation on the part of their sovereign; and they received from king Robert and the estates of his kingdom, letters patent, obliging themselves to pay to the king of England, at three terms, in three years, at Tweedmouth, the sum of 20,000*l.* sterling; for enforcing which payment, they subjected themselves to the coercion of the apostolic chamber. This sum the Scots agreed to pay, in consideration of the king of England's renunciation of his sovereignty, and as a compensation of damages done by Robert and his subjects to England. MS. treaty in Arch. Sc. Ford.

The treaty itself §, which was confirmed by the oaths of Hugh earl of Ross, and March 17.

* A safe-conduct was at the same time given to twelve horsemen, sent by some of the great men and nobles of Scotland, to make provision of divers things for their arrival. Rym. ib.

† So the deed itself bears in the most express manner. Yet Carte, quoting records, says, that many of the prelates and great men, averse to the treaty with Scotland, did not come to the parliament at York; which after sitting a month broke up without doing any business. C. ib. 396. He says also, from the record to which he refers, that no business could be done at Northampton from the same cause, of the absence of many members, on which account it could not be deemed a full parliament. Yet he mentions some business done both at the one and the other. Ib. 396, 397.

‡ The appointment of Percy and Zousche for the purpose as mentioned, is wanting in the MSS. of Fordun, which Goodall made use of, but is in his edition supplied from a public instrument of Henry de Wardlaw bishop of St. Andrews, dated the seventeenth of March 1415, attesting a copy from the original of this renunciation. Ford. l. 13. c. 12.

§ The letters patent of the ratification of this treaty by the king of England, comprehending as usual the treaty itself, are extant in the hands of the keeper of the Scots archives. Fordun says, that, on the seventeenth of March, ambassadors were sent from the king of England to the king of Scotland at Edinburgh, to ordain and treat about a firm and perpetual peace, which accordingly was there agreed, Yet he does not give the articles of this peace, but only a copy of Edward's renunciation

Edward III. K. of England. 1328.

and Robert Lowedre justiciary of Lothian (Loeneys), on the soul of the king of Scotland, in his presence, and by his command, declares the agreement of a marriage between David the son and heir of Robert, and Joan the king of England's sister. For effecting this marriage, Joan was to come into Scotland to Berwick, on the fifteenth of the ensuing month of July, and to be delivered there to the king of Scotland, or to any having commission from him to receive her. It was farther agreed, that the two kings should be friends and allies; but with a salvo of king Robert's alliance with France; yet this alliance was not to hinder the king of England to make war on Scotland, if attacked by the Scots, on account of the French league, or for any other cause. The king of Scotland was bound not to assist the king of England's enemies in Ireland; and the king of England not to assist the enemies of the king of Scotland in the Isle of Man, or other islands of Scotland. The king of England engaged to employ his interest at the papal court, that the processes carried on there against the Scottish king, or any of his subjects, should be dismissed. The laws of the marches of the two kingdoms were to be faithfully kept, and trespasses against them redressed and punished; or, where there were defects in these laws, or debates about them, that the ordinary officers could not decide, these were to be reported to the sovereigns, and determined by themselves, or councils, or by commissioners whom they should appoint. Finally, it was stipulated by the English envoys, in name of their master, that his ratification of this treaty should be delivered to the mayor of Berwick before the ensuing feast of Ascension.

Aſcenſion Day was this year May 12.

An English parliament *, that met at Northampton in the latter part of April, gave their approbation to the treaty concluded with Scotland; and it was solemnly ratified by the king on the fourth of May †. Edward is also said to have had the concurrence of this parliament in claiming the right of succession to the crown of France, whose late king Charles, sirnamed the Fair, died on the first of February of the present year, and his queen brought forth a daughter two months after his decease. By the Salick law, this infant, being a female, could not inherit the crown, which Edward claimed as being son to the sister of the deceased king, and the nearest of his male relations. The assembly, however, of the states of France, adjudged the throne to Philip

April 24. Tyr. iii. 351.

renunciation of his right to the ſovereignty of Scotland. King Edward mentioning this treaty in a letter to king David, Dec. 20, 1330, calls it a treaty of peace between Robert king of Scotland, David's father, and the king's envoys appointed and ſent for that purpoſe, (*et noſtros nuncios ad hoc ſpecialiter deſtinatos*). Rym. ib. 461.

* If the parliament of York, ſays Carte, had aſſented to this treaty, why was that of Northampton ſummoned, (as all writers of the time agree,) to warrant it by their aſſent and approbation? The anſwer is obvious, That the treaty was not concluded while the parliament ſat at York; that parliament only agreed to the eſſential preliminary of the renunciation of the ſovereignty of the king of England over Scotland. The reſt of the treaty was finiſhed at Edinburgh.

† On the day before, Edward wrote to the Pope and ſeventeen of his conclaves, whoſe interceſſion he deſired with the Holy Father, intimating the concluſion of a peace between himſelf and the *magnificent prince* Robert king of Scots, and entreating him to revoke any proceſſes that were by the apoſtolic authority carried on againſt Robert, or any of his ſubjects, and to impart the fulneſs of his grace for this effect to the ambaſſadors of that king, who were to be ſent to his court. Rym. ib. 350, 351.

of

of Valois, the late king's cousin-german, and nearest to the crown of those descending from a king in a line of male ancestors. Edward never lost the view of this great object, although his youth and other circumstances hindered for a long time any open attempts to enforce his pretensions. But it is likely that the prospect of his entering into so great a contest would be alleged as a good argument for defending the peace with Scotland; whereby, on the event of a war with France this latter nation would be deprived of an useful ally, and England, in the mean time cultivating the arts of peace, would grow stronger for the mighty struggle. And however justly this peace might be ascribed to the wickedness of the queen dowager and Mortimer, it was probably agreeable to a better plan of policy, than that which was soon after adopted in supporting the claim of Edward Baliol to the Scottish throne.

Robert Brus. K. of Scotland. 1328.

To carry into full execution the treaty between the kingdoms, all necessary steps were mutually made in due time. Edward, as tutor to his sister Joan, with the concurrence of his mother the queen-dowager, sent trustees into Scotland*, to demand and receive from king Robert, and to manage for his sister's behoof, lands and revenues amounting to £2000 *per ann.* settled upon her as her dower in marriage with the prince of Scotland; and at the time appointed the queen, with the bishop of Lincoln chancellor of England, and a splendid retinue, conveyed the princess to Berwick; where she was received by the earl of Murray and lord Douglas, representing their sovereign, himself being sick; and the nuptials were celebrated with great joy and magnificence †.

Rym. ib. 354.

Ford. l. 13. c. 14. Barb. 424. July 17.

In pursuance of the article in the treaty, whereby the rights of the church in either kingdom were declared to be saved from prejudice, orders were given by king Edward, for restitution of the pensions and lands which the abbeys of Jedburgh, Melrose, and Kelso, had held in England, and which, on occasion of the wars between the kingdoms, had been seized into the hand of the king's father, and still remained in the hand of the king ‡. It is mentioned in these orders, as a good reason for issuing them, that the king of Scotland had caused the like restitutions to be made to the religious and other ecclesiastics in England, of their lands and possessions in Scotland. In the following May, Edward made a grant to James lord Douglas of all the lands and possessions which his father William Douglas once held in the kingdom of England, and which, on occasion of the war between Edward I. and the then king of Scotland, had been forfeited to the former, and had come from his hands into the hands of the present king. This grant is declared to have proceeded from the special favour of the king without taking notice of the late treaty; whereas a restitution that had been made by the king of Scotland to

Oct. 26. Rym. ib. 373.

A. D. 1329. May 12. Rym. ib. 384, 461.

* These were Robert Maudugh and Robert de Tughale.

† Carte says, from Annal. ad Ann. 1377, that the attendants of the princess Joan carried into Scotland Ragman Roll, and all the records which Edward I. had brought from that kingdom, according to the inventory taken of them, when brought thence to be lodged in the exchequer at London; a memorandum whereof is there still preserved. Carte, ib. 397.

‡ These orders were given, in behalf of the three convents mentioned, to the king's escheator beyond Trent; and particularly for the abbot of Geddeworth, to the Abbess de Pratis, near Northampton, the parson of Abbot's Lee and Thomas de Fetherstonhalgh.

The abbot and convent of Dundrennan in Galloway had held possessions in Ireland that had been in like manner seized, and which the justiciary of Ireland was now ordered to restore.

Edward III. K. of England. 1329.

Henry Percy, of lands and possessions held by him in Scotland, and which king Robert had seized on occasion of the late war, is said to have been by virtue of the late treaty, and of letters patent of king Robert, promising the restitution of them.

On the seventh of June, the life of king Robert Bruce was brought to an end by a leprosy that had been long preying on him. He had attained the highest renown by his wisdom and fortitude, and is one of the greatest examples that history presents to us, of the ascendant given to a commander by these endowments, over the most unequal superiority of strength and numbers. He availed himself of the waste and rugged face of the country over which he reigned, and of the untamed spirits and hard-bred bodies of its inhabitants, to defend its liberty and independency against neighbours not less warlike, and incomparably more rich and powerful; and left his kingdom to the child who succeeded him in a state of peace and friendship with England, established on foundations that seemed as solid as human prudence could devise. Yet still dreading that this concord might be disturbed, and jealous of the superior strength of England, which could not be resisted without keeping up the martial spirit of the Scots by frequent exercise; he is said to have left it as his dying advice, that on the event of future quarrels, the Scots should rather make short truces than a lasting peace with England, a rule that was observed long in the succeeding reigns; also, that they should as much as possible avoid pitched battles, and rather distress the invading armies by ambuscades, skirmishes, and laying waste the country through which they were to pass *.

Ford. l. 12. c. 10.

* King Robert's advices to his countrymen about conducting a war, are comprised in the following leonines:

Scotica sit guerra pedites, mons, mossica terra:
Silvæ pro muris sint, arcus et hasta securis,
Per loca stricta greges munientur; plana per ignis
Sic inflammentur, ut ab hostibus evacuentur,
Insidiæ vigiles sint noctu vociferantes:
Sic male turbati redient velut ense fugati
Hostes pro certo, sic rege docenti Roberto,

Of which there is in Hearne's edition of Fordun the following old Scottish translation:

On fut suld be all Scottis weire
Be hyll and mosse thaimselfto weire:
Lat wod for wallis be, bow and speir
That innymeis do thaim na dreire;
In strait places gar keip all stoire,
And byrnen the planer land them before;
Thanen sall thai pass away in haist,
Quhen that they find nothing but waist:
With wyllis and waykenen of the nicht,
And mekill noyes maid on hicht.
Thanan sall they turnen with great affrai,
As thai were chasit with swerd awai.
This is the counsall and intent
Of gud king Robert's testament.

The translator certainly mistakes *securis*, which denotes the battle-ax, a weapon which the Scottish warriors of those times employed with great vigour. See Froissart's account of the battle of Otterburn. It served the Scots for *bow and spear*, as the *woods* did for *walls*.

THE

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND.

## BOOK. V.

DAVID, the only son and heir of Robert, succeeded him at the age of six years and three months; his cousin-german, the great earl of Murray, having the guardianship of his person and kingdom. In discharge of this office, the guardian equalled the hopes which his late sovereign and the whole nation had conceived from all his former conduct; being faithful to the interests of the young king, and maintaining order and quiet throughout the kingdom by an impartial and rigorous administration of justice. He was also attentive to keep the peace with England, by making regular payments * at the terms prefixed, of the sums due by the late treaty; and during the power of the queen-dowager of England and her favourite Mortimer, there are no accounts of the least strife between the kingdoms.

Edward III. K. of England. David Brus, K. of Scotland. 1329. Fordun. Buchan.

The king of England soon displaying an uncommon measure of capacity and spirit, grew impatient of the insolent controul of Mortimer; and readily listened to the proposal of pulling down and destroying him. Sir William Montague purchased the lasting favour of the young monarch, by being the chief person in the contrivance and execution of the bold exploit of seizing Mortimer in the castle of Nottingham. He was carried thence to London, and being condemned in parliament, on the notoriety of his crimes, was hanged at Tyburn. One of the articles of the charge against him was, that

* King Robert, a little before his death, had requested of the English court, that half of the first payment of 10,000 merks, which sum was by the treaty due at Midsummer, should be respited until the succeeding Martinmas. This was granted, and messengers were accordingly sent from England to receive 5000 merks at each of the terms of Midsummer and Martinmas. In January 1330, a grant was made by the king of England to his mother, of the 10,000 merks due by the king of Scotland at the subsequent Midsummer, the payment of which sum was made on July 15: and on January 13, the last 10,000 merks payable at Midsummer of that year, were assigned by Edward to a company of merchants at Florence, the bards. Rym iv. 385. 397. 406. 410. 445. 463.

[Edward III. K. of England.
A. D. 1330. Nov. 29.

he shared between himself and his confederates the 20,000 merks, that had come from Scotland; no part of it having come into the king's treasury. The lords Henry Beaumont and Thomas Wake had been driven out of England, on account of their having two years before been combined with the earl of Lancaster in an attempt to pull down Mortimer from his power; and that being now effected which was then attempted in vain, these two lords, with some companions of their exile, were recalled and restored to their estates and honours.

Dec. 20. Rym. 461. 472.

Soon after the lords Beaumont and Wake returned to England, a requisition was made by Edward to the king of Scotland, or more properly to the earl of Murray his guardian, that the lordships and lands belonging to Beaumont and Wake in Scotland, should be restored to them, agreeably to the late treaty of peace, and to letters patent of the late king Robert, promising to make this restitution. As it is affirmed in this requisition, that Henry Percy had obtained restitution and possession of his lands, by virtue of the foresaid convention and promise, it is probable, that the fulfilment of these to Beaumont and Wake had been prevented by their having joined themselves to the enemies of Mortimer, and having been in consequence thereof driven into exile. During the strait friendship between the courts of England and Scotland, the condemnation undergone by offenders against government in the former kingdom, would effectually operate to deprive them of all claims and possessions in the latter. It is therefore scarce to be doubted, that the possession of the lands claimed by Beaumont and Wake in Scotland, had either been confirmed to those who held them before the peace, or had been granted by king Robert, or the regent, to some persons of high rank and power from whom it was difficult to recover them. And that the Scottish regency was puzzled about satisfying the king of England's demand, appears from the delay they sought for giving an express answer; on the pretence that king David's council was not with him when the requisition was made. But it was promised in the king's name, that after holding a consultation at Berwick upon Tweed, an answer should be returned to Edward, and for giving this

A. D. 1331.

answer a day, March 18th, was appointed. In the end of February, messengers were sent from the court of England with renewed entreaties, that on the foresaid day, such an answer might be given as might content the claimants and cut off grounds of future dissension. And as a farther evidence of the earnestness of the court of England, letters of the same date and pressing the same demand, were sent to the earl of Murray regent, and to the earls of Mar, Fife, Strathern, and March, also to the bishops of St. Andrews, Dunkeld, and Glasgow. But notwithstanding these importunities, it appears

Rym. ib. 518.

from a renewed application made in April of the following year, that the desired restitutions were not made *.

* In this laſt mentioned application, although it appears, that Henry Percy was ſtill the only one of the three who had obtained reſtitution; yet the requeſt of reſtitution is only made for Wake, and not for Beaumont, who by that time had reſolved to ſeek the recovery of the poſſeſſions he claimed in Scotland, by endeavouring to raiſe Edward Baliol to the throne of that kingdom.

The

David Brus, K. of Scotland

1331.

The great source of difficulty in making or warranting such restitutions, even though the Scottish regency had been serious with regard to them, appears from a complaint of the bishop of Durham, Louis de Beaumont, the lord Henry's brother, of a violation of the late treaty by Patrick Dunbar earl of March. The bishop alleged, that the village of Upsetlington, situated on the Scottish side of the river Tweed, over against Norham to the west, was a part of the right of the church of St Cuthbert, or see of Durham, which the predecessors of the present bishop had possessed from time immemorial; but it having been seized by the late king of Scotland in the time of the war, it was restored by virtue of the article in the treaty of peace respecting the possessions of church-men in either kingdom, though this restitution was not made till after several requisitions. The earl of March, however, in contempt of all that had been ordered or done, had seized the place and issues thereof, and violently hindered the bishop from enjoying them. On the complaint and supplication of the bishop to king Edward on these heads, letters were sent by him to king David, to his guardian, and to the earl of March, asking and requiring restitution and redress. Yet the bishop did not, in consequence of these, obtain undisturbed possession: for in the following October, Edward wrote again to the king of Scotland on a new complaint of the bishop to the king, and his council in parliament; representing, that the bishop himself and his predecessors had always exercised both civil and ecclesiastical jurisdiction in the village of Upsetlington*, as being a dependency of the castle and manor of Norham which was a parcel of his bishopric; but that certain servants of the king of Scotland, under the pretext of a general order to summon a meeting of the Scottish parliament at Scone, had caused summon the bishop to be present in person at that parliament, to shew how and by what service he claimed to hold the lands of Upsetlington †. The king of England complains of this summons as being not only injurious to the bishop and his church, but as tending to the exheredation of himself and his crown; as the bishop for what he held of him could not be obliged to attend any other parliament but his, nor to pay homage to any other than him. Wherefore he requires and asks, that David, from regard to him, would give over such strifes with the bishop, and restrain his ministers from giving him disturbance; and that he would intimate to him his resolution by the bearer of the letter.

Rym. ib. 468. 499.

Feb. 3.

Oct. 10.

Meantime, notwithstanding the tendency to strife in these claims and complaints from England, an amicable spirit was shewn in other instances. One of these was the appointment of several persons to be the king's justiciaries ‡, to cause to be kept and observed in the counties of Cumberland and Northumberland, the peace lately concluded with Scotland. Besides receiving the same

Feb. 16. Rym. ib. 471.

* Called here Weſt-Upſetlington.

† It appears from this paper, what perſons were then ſummoned to a Scottiſh parliament: They were all biſhops, abbots, priors, earls, barons, and free tenants, who were obliged to be preſent in the king's parliament, and alſo all and ſingular that were obliged to do him homage.

‡ The juſticiaries and commiſſioners for the Northumbrian march were nine, of whom the chief were; the archbiſhop of York, the prior of Durham, and Henry Percy. Thoſe for Cumberland were, John de Harryngton, Ralph de Dacre, and Ric. de Denton. Ib.

charge

Edward III. K. of England. 1331.

charge with that accustomed to be given to conservators of peace or truce, these persons were also commissioned to declare and perambulate the ancient bounds between the kingdoms of England and Scotland, in concert with men of Scotland to be assigned for that purpose, to make anew boundaries and divisions between the kingdoms, where these appeared needful; and to certify the king concerning those about which they could not agree. In all their proceedings, they were to do justice agreeably to the laws and customs of the marches, with a salvo of the amerciaments and other rights belonging to the king.

A.D. 1332. In the beginning of the following year, the king of England was informed that several men of his own kingdom, and others, were holding consultations and pursuing measures that tended to break the peace lately concluded with Scotland, on which kingdom they purposed to make an hostile attack through the marches of England. But Edward resolved to preserve the peace on his part inviolate, issued strict orders to the sheriffs of the five northern counties*, to cause proclamations to be made, prohibiting in his name, under the highest penalties, all his subjects, of whatever state or condition, to enter Scotland with armed forces over the English marches, or to do any thing else in breach of the peace; farther enjoining the sheriffs, if they discovered any acting contrary to this proclamation, to arrest their bodies and arms, and keep them prisoners until otherwise commanded by the king.

Rym. ib. 512.

This proclamation shews, that some of the English barons were at this time meditating an infraction of the late peace with Scotland; in the treaty of which peace the advantageous terms stipulated to the Scots were considered by almost all the English as highly disgraceful to their country; and the whole transaction partook of the violent odium that justly pursued the wickedness of the queen-mother and Mortimer. As the power of these was now at an end, many were prone to think that the pernicious effects of their power ought to fall with them; and that as the king, a youth but a little more than fifteen years old, was, in agreeing to this treaty with Scotland, wholly under their influence, he was not obliged, after regaining his liberty, and arriving to more mature years, to adhere to a contract so injurious to the rights of his crown. Such considerations would undoubtedly be suggested to the king by many of his counsellors; and the project was very natural of reviving and supporting the claim of Edward Baliol, the son and heir of John, to whom the king's grandfather of revered memory had solemnly adjudged the crown of Scotland as his rightful inheritance. But other counsellors, and probably the mind of the young prince himself, wherein sentiments of religion, honour, and humanity prevailed over views of ambition and interest, would suggest the sacredness of the late transaction, in which the faith of the representatives of the nation was plighted along with his own for confirming the treaty; and as an endearing pledge of inviolable peace, the innocent child his sister given in marriage to David, whose equally tender years pleaded very strongly for pity and protection, instead of oppression and violence.

* Northumberland, Yorkshire, Lancashire, Cumberland, Westmoreland.

But

David Brus, K. of Scotland. 1329.

But such considerations were of no force with many of the English barons, to extinguish that animosity and resentment, mingled with pride and contempt, whereof the Scots were the objects; and which naturally arose from a long and cruel war, fresh in remembrance, and still bleeding in many of its wounds. Those especially who claimed estates and honours in Scotland, from which they were excluded by its present governors, were eager to embrace the opportunity of recovering them afforded by the situation of affairs in that kingdom. The lord James Douglas, on his way towards the holy sepulchre with the heart of king Robert Bruce, was, in the year after that king died, killed in Spain fighting with extraordinary valour under the banner of king Alphonso X. against a Saracen king of Granada. The earl of Murray was in a declining state of health, and had probably, by his rigorous administration of justice, incurred the hatred of some of his countrymen. Murray and Douglas had long been men of the chief authority in the kingdom, and such props were most necessary to the throne of a child. There were some remains of attachment to Baliol; and also of resentment against the family of Bruce, on account of necessary severities exercised by king Robert on some persons of eminence, who were convicted of plotting against him in the latter part of his reign. Yet Randolph appears to have been so much an object of the dread of Baliol, and his English friends, that their invasion of Scotland was not made till after his death, and indeed was in this respect so timid as to give suspicion, that the invaders foresaw the event and waited for it. The Scottish historians say, that an English monk who served Randolph as a physician, was hired by the plotters of the intended revolution to give him poison, and that on receiving intelligence of the fatal operation of this poison, they made the descent for which they had been long before preparing. This story they combine with circumstances which authentic records prove to be fictitious; and perhaps the story itself deserves no more credit that many relations of the same kind, concerning the deaths of great men that have happened suddenly or at critical periods.

Fordun, Boece. Buchan,

It was unhappy for Scotland, that the men having claims to estates and honours in that kingdom, which they embraced the present opportunity of prosecuting, were persons of the first eminence in England for rank, interest, and possessions. The lord Henry Beaumont, who may justly be regarded as the head of the enterprise, was illustrious by his descent from the royal blood of France; and by the bounty of the first and second Edwards had arisen to great power and riches, which were considerably increased by his marrying Alice, one of the nieces and co-heirs of John earl of Buchan and constable of Scotland *, who inherited the estates in England that belonged to his mother, a daughter and co-heir of Roger de Quinci earl of Winchester. David de Strathbolgi earl of Athol, had lately married the lord Beaumont's daughter, and was himself the son of one of the daughters of John Comyn of Badenoch, whom Robert Bruce slew at Dumfries. David had lands in Kent which his grandfather acquired by marriage, and succeeded to a part of the great estate

Dugd.

* The name of the other niece was Margaret. Dugd.

of

Edward III. K. of England. 1332.

of Aymer de Valence earl of Pembroke, which descended to him from his mother Joan Comyn, the daughter of John before-mentioned, and the sister and coheir of his son of the same name. Elizabeth, the other sister and coheir, was married to Richard Talbot, a youth about nineteen years old; of high and ancient descent by his father, who was then alive, and chamberlain to the king; and by the female line sprung from the princess of Wales, and Beauchamps earls of Warwick. These three besides the ambition of recovering the estates and honours formerly possessed in Scotland by the great family of the Comyns, were animated by the savage ideas of the times, to revenge upon the son the murder of John Comyn of Badenoch, committed by the father at Dumfries.

Gilbert Umfranville and Thomas lord Wake were ready to engage in the projected expedition; the former in the view of recovering Angus, whereof Sir John Stewart * of Bonhill had been created earl, at the coronation of king David, and the latter, of regaining the possession of Liddesdale. William la Zouche, lord of Harringworth, and Henry lord Ferrers, descended from two of the daughters and coheirs of Roger de Quinci earl of Winchester, had claims in Scotland, founded on the marriage of the last named earl to Margaret, a daughter and coheir of Alan lord of Galloway. Henry de Beaumont was also connected with Zouche and Ferrers in these claims, by his wife's mother, being the third of the daughters and coheirs of earl Roger. Another very eminent adventurer in the descent on Scotland, was the Lord John Moubrai, a baron of splendid ancestry and great estate in Yorkshire, Lincolnshire, and other counties. A branch of his family had long before acquired an estate in Scotland, by the marriage of an heiress there. The circumstances above-related are known concerning some of the principal persons who meditated a renewal of the war with Scotland for the recovery of their own rights; and they would, no doubt, endeavour to obtain the concurrence, or connivance of their sovereign, by professing an equal zeal for recovering the claims of his crown.

Doug. Peerage, p. 21.

The lord Henri Beaumont, a man of high prowess, ripe in years, and of great experience in affairs both civil and military, is always celebrated as the chief in contriving and conducting this remarkable enterprise. While an exile in France, on account of his attachment to the unhappy earl of Kent, or afterwards when an ambassador to the French king, he concerted with Edward Baliol, who had long resided in quiet on his French estate at Quimper, measures for an attempt to regain the crown, which his father John had for some time possessed. And Beaumont is said to have, in the strongest manner, recommended himself to Baliol's favour and confidence, by interceding effectually with the French king for liberating him from an imprisonment which he had incurred by rescuing a favourite English domestic from the public justice of France.

In the latter part of ann. 1331.

* Sir John Stewart was grandson of the second son of Alexander lord high steward of Scotland, who died ann. 1283, and brother of James lord high steward of Scotland, grandfather of king Robert II. Dougl.

The

David Brus, K. of Scotland. 1332.

The king of England steadily opposing any hostile attack on Scotland, through the adjacent marches of England, a resolution was formed of making the invasion by sea. For this purpose, the associated barons collected a fleet of ships at Ravenspar *; a place on or nigh the mouth of the Humber, on the Yorkshire side. Sailing from thence, they entered the Frith of Forth on the last day of July. The earl of Murray, regent of Scotland, dying on the 20th of that month at Musselburgh, they most probably had certain intelligence of this event before they put to sea. Although their number was not great, yet the preparations necessary for the enterprise, both by land and sea, could not be unknown to the king of England. And though he took no effectual steps to prevent it, yet soon after the adventurers put to sea, he emitted a public declaration, that their doing so was contrary to his express prohibition. This the king notified by his letters to the inhabitants of the five northern counties; August 9. at the same time informing them, that some nobles and others of Scotland were, with all their power, preparing for *some enterprize;* but he declares to them his own desire of preserving the peace inviolate; and that for this effect, he had constituted the lord Henry Percy, keeper of the march towards Scotland with full powers to restrain and punish all infractions of the peace by the subjects of England; and in case of any attack from Scotland, to raise the possès of the above-mentioned counties to repel it.

The English fleet continued several days in the Forth before the meditated descent was made from it; whether by feints of landing in different places, they meant to divide and harrass the Scottish forces that were employed to defend the coast, or whether they waited for intelligence from friends, or the appearance of such to join them. At last they disembarked at Kinghorn; and August 6. chiefly by the English bowmen, a body of Scots, who opposed their landing, was routed, with the slaughter of their leader, Sir Alexander, son of lord Seaton, and some others. The whole number of fighting men who landed from this fleet, are said, by the English writers, to have been two thousand five hundred: of these, according to Fordun, five or six hundred were Gens d'Armes; among which there were forty-four German knights, soldiers of fortune, with their attendants, whom Baliol had brought over from the continent.

Hem. ii. 272. Kn. 2560. Ford.

The success of the English at Kinghorn, was the beginning of a rapid and amazing series of victory. The conquerors advanced through Dunfermling, where they found five hundred excellent spears, towards Perth. In the neighbourhood of that town, on the Moor of Duplin, a great army was gathered from the northern parts of Scotland. It was commanded by Donald, earl of Mar, who having been elected but a few days before, by an assembly of prelates and nobles at Perth, to succeed the late earl of Murray in the office of guardian of the kingdom, had no time to acquire authority or credit in the character of supreme governor; the want whereof would be more sensibly felt in him, as his predecessor enjoyed them in so distinguished a manner. The

* This place, with several others in the district of Holdernefs, were fwallowed up by the Humber, or the, fea in the reign of Edward III. Camd. ii, 900.

Edward III. K. of England 1332.

Scottish army contemned the small number of the English; who, although joined after their success at Kinghorn, by some of their Scottish friends, were not yet above three or four thousand; that is, probably not above a tenth part of the number of their adversaries. Some secret friends of Baliol were also in the enemy's camp. One of whom, Sir Andrew Murray of Tulibardine, did the English the important service of fixing a pole in the river Earne, to direct them to a safe passage over it in the night.

August 14. The English combining with these advantages their own martial skill and prowess, and having passed the Erne safely in the night, fell suddenly, about the dawn of the morning, on the Scottish army, or an advanced part of it, making a dreadful slaughter. The Scots were found in perfect security; and the English, for the sake of distinguishing each other, and keeping order while darkness continued, fixed pieces of white linen on their sleeves: surprise, confusion, and consternation soon siezed the whole Scottish army; and the chieftains rushing precipitately, and with furious emulation, to repel the aggressors, were slain amid heaps of their followers. Among the eminent persons that fell in this carnage were, the earl of Mar himself, Thomas Randolph the young earl of Murray, Murdack earl of Monteith, Robert Brus earl of Carrick, and Alexander Fraser *. Duncan earl of Fife, was taken prisoner. The conquerors, marching to Perth, seized it without resistance, and immediately set about renewing and strengthening its fortifications.

Patrick earl of Dunbar, who was either conjoined with the late earl of Mar, or delegated under him as guardian of the southern parts of Scotland, had, at the time of the engagement at Duplin, advanced, together with lord Archibald Douglas, to Ochterarder, at the distance of a few miles from the field of battle; and the hazard to which Baliol was exposed of being hemmed in betwixt two armies, so vastly superior in numbers to his own, compelled him to make the attack, however desperate, at Duplin. The earl of Dunbar, and lord Archibald Douglas, advanced to Perth, which was too strong, and too well garrisoned for them to gain by assault. According to the Scottish writers, they almost instantly dispersed; not without suspicion of the influence of some amongst them who were attached to Baliol. The English writers say, that they continued to besiege the town until the 24th of the month; on which day, Sir John Crab †, who, by order of the earl of Dunbar, had sailed from Berwick with a squadron of ten Flemish ships, to attack the ships of the English adventurers, who had sailed round from the Forth into the Tay, made an attempt to destroy that fleet, but was bravely repulsed, his ships destroyed and himself compelled to seek his safety, by flying over land to the place from which he came. The English having, in consequence of this success, secured a supply of provisions by sea, and the besiegers having by this time fallen into a great scarcity of them, the siege was raised. Soon after Baliol caused himself,

* The dead bodies of the Scots, says Hemingford, were, as was said, heaped up to the height of a lance; and many more were suffocated by the weight of dead bodies, than slain by the sword. Hem. ii. 278.

† See above. Hemingford says, That for several years he had done many mischiefs to the English at sea, ii. 273.

self to be crowned at Scone, by Duncan, earl of Fife, and the bishop of Dunkeld; the clergy and barons of Fife, and other parts of the adjacent country, attending the solemnity; and Baliol, elated with his extraordinary successes, is said to have assumed the name of *Conqueror*. David Brus, K. of Scotland. 1332.

The king of England carried so far the expressions of his displeasure with the enterprise against Scotland, that he had commanded the estates of Beaumont, its chief conductor, to be seized into his hands. But the wonderful success of that expedition, led him by degrees to the avowal and open prosecution of measures, whereof he seems in the beginning to have been ashamed. His preparations, however, for which he obtained a supply from his parliament, which met at Westminster in September, were still alleged to be of the defensive kind. His parliament, in consequence of the intelligence received from the north, foreseeing that the Scots would soon be making inroads into England, unanimously advised him to abandon a project he had formed of passing over to Ireland, for the quelling of some intestine disturbances in that island; and instead of going thither to conduct an armed power to the north of England, in order to wait the motions of the Scots. For this effect, they granted him a fifteenth of the personal estates of lords and knights of shires, and a tenth from cities and burghs. Accordingly the king being at Nottingham in the following month, issued orders for chusing archers, footmen, and hobelars, in several of the northern counties, for the defence of his people on the marches, 'whom certain nobles of Scotland, on occasion of the late disturbance in that kingdom, were preparing to attack.' The king having come to York before the end of the month, gave a commission to two of his attendants, to go to Newcastle, to treat with two envoys from the *guardian of Scotland**, about certain affairs, which these envoys had been sent to propose to the king of England in person; but one of them Rob. de Lowedre, being seized with a dangerous disease at Newcastle, was unable to proceed any farther.

Dugd. Rym. ib. p. 540. Cotton's Abr. p. 12. Rym. ib. 533, 534, 535.

At length an authentic record of a transaction in the end of the following month, brings to full light the plan of interest and ambition, with regard to Scotland, which Edward, in conesquence of Baliol's success, did adopt; whereby the bloody scenes of his father's and grandfather's Scottish wars were reacted; yet still without attaining the so much desired subjection of the whole isle of Britain to the English crown. Baliol leaving Perth to the custody of Duncan earl of Fife, from whom it was soon taken by Simon and James Fraser and Robert Keith marched to the frontier of his kingdom toward England. He there took, or received by surrender, the castle of Roxburgh; from whence he dates his letters patent, confirming a remarkable bargain he had concluded with the king of England. Oct. 7. Nov. 23.

In these letters he begins with acknowledging the sovereignty of the kings of England over the kingdom of Scotland, by right and ancient possession; and Rym. ib. p. 537, 538, 539.

* This was Sir Andrew Murray of Bothwell, who in 1326 had married Chriſtian the ſiſter of Robert Brus, who had been married before to Gratney earl of Mar, and to Sir Chriſtopher Seaton. Ford. l. 13. c. 25. Doug. Peerage.

Edward III. K. of England. 1332.

with reciting the decision that Edward I. in that character, had given in favour of John Baliol, and the consequences of that decision. And now he himself having by *sufferance* of the *present* king of England, and with the aid of part of that king's good subjects, recovered his heritage of Scotland, had been crowned king of it and the Isles, had rendered his liege homage, and sworn fealty to the English king, as sovereign lord of Scotland and the isles; which homage and fealty he bound himself and his heirs to renew on every proper occasion*. But farther, to testify his gratitude for the king of England's allowance of his enterprise, and the faithful and effectual aid received in it from his subjects, Baliol engages to cede to him lands worth two thousand pounds yearly revenue, on the march of his kingdom, whereof the town, castle and county of Berwick, were to be a part; which, with all their appurtenances, were to be annexed to Edward's royal dignity and kingdom of England, and entirely severed from Scotland. In the king of England's wars, for defence of any of his dominions, Baliol engaged to assist him with two hundred men at arms, and bound his successors to assist him with one hundred of the like forces. If the marriage between David Brus, and Joan, Edward's sister, should not take effect, and Joan consent, Baliol engaged to take her to wife, adding five hundred pounds a year to her dower. He engaged also, to make provision for David, according to the determination of the king of England and his council; provided that this should not require him to quit with his crown. The articles of the military aid and marriage were enforced by heavy penalties, to be incurred by Baliol on failure; and, for farther security, Baliol promised to renew his letters patent, at his first parliament, and to obtain their assent to every thing he had therein promised. There was also another treaty concluded between the two kings at the same time and place, declaring, that the king of England had engaged for himself, and his heirs, to aid and maintain at his own cost Edward Baliol, and his heirs, in the kingdom of Scotland, against all attempts by war or force to expel him from that kingdom. On consideration of which, and the great benefits already received from the English king, Baliol engaged to assist the king of England, in person, with all his power, and at his own expence, in England, Wales, or Ireland, on receiving six months warning; and these engagements he also promised to confirm at his next parliament, in the same manner as the former.

Dec. 2. Very soon after this convention, the king of England held his parliament at York; where were present, the lord Henry Beaumont and the earl of Athol, from Edward Baliol, and also envoys from David Brus. The king consulted this assembly about the measures he should follow with regard to Scotland, in the present circumstances of that kingdom; whether he should seize it as his own domain and property, or, by aiding Baliol, should content himself with recovering the homage and services his ancestors had enjoyed. But most part of the estates being absent, and particularly the prelates, by reason of the wonted strife between the archbishops of Canterbury and York, no answer was given. Still it was thought expedient to treat with the guardian and nobles

* Every *movement*, in the feudal language, or change of lord or vassal.

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of king David's party; and for this purpose, the lord Ralph Basset and William Denum received a commission, in the middle of December. The chief purport of their commission, as some historians relate, was to require that David, as a condition of peace and friendship with the king of England, should perform homage and swear fealty to the latter; and should also restore to him Berwick on Tweed, which his father and grandfather had possessed. David Brus, K. of Scotland. 1332. Rym. ib. 540.

It is probable, that a sore disaster which befel Baliol, before the end of this year, might incline the court of England to pay more attention to David, and to make him offers of friendship on the same conditions that had been agreed to at Roxburgh by Baliol. This latter, after having received to his peace and allegiance, at Irwin, Alexander Brus, earl of Carrick, and lord of Galloway, and several other nobles, went to Annan, a town belonging to his patrimonial estate; where he intended to keep the Christmas festival, or, as some relate, to hold a parliament for settling the affairs of his kingdom. But while he remained here, without apprehension of danger, he was attacked at dead of night by John Randolph earl of Murray, the lord Archibald Douglas, and Simon Fraser; who, by order of the guardian, had collected for this exploit one thousand chosen men at Moffat. Baliol's retinue made a brave resistance; wherein Henry his only Brother, greatly distinguished himself, but was at last slain, together with Walter Comyn and others. Alexander Brus was taken, but rescued from death by his cousin the earl of Murray. The king himself, half naked, fled on a horse without a saddle over the sands of Solway into England. He was hospitably received at Carlisle by the lord Dacres constable of the castle of that city and sheriff of Cumberland; and after spending his Christmas with Dacres, removed to Westmoreland, where the lord Clifford entertained him in his castles of Appleby and Brough. In reward of this seasonable hospitality, the exiled king made a grant to Clifford and his heirs of Douglas-dale in Scotland. Dec. 16. Ford. ib. Dugd.

The circumstances of Baliol, and in consequence thereof, the irresolution that probably for a while prevailed in the counsels of the king of England, might perhaps be the reason that a new meeting of the English parliament at York in January, gave the king no positive advice about his proceedings with regard to Scotland. They expressed their desire that, the matters in deliberation being difficult and of great importance, he would consult the Pope and the king of France about them; and in the mean time, would appoint wardens for the northern marches. Cotton's Abr. p. 14.

The expulsion of Baliol from Scotland, while it might incline the king of England and some of his council to abandon him, and to enter into pacific measures with the regency of David Brus, would encourage the latter to assert the favourite independency of the Scottish kingdom, with that determined spirit they had formerly shewn in the most desperate circumstances. Accordingly they are said to have rejected the demands of Edward with disdain. On the other hand, Edward was now too far engaged in the career of ambition to desist. He therefore finished and ratified his bargain with the exiled king, whose procurators, sent for that purpose from Brough in Westmoreland to the English court, were Alexander de Moubrai and John de Felton, jointly and severally Froiff. Rym. ib. 548. A. D. 1333. Feb. 12.

Edward III. K. of England. 1333.

severally impowered to conclude, and to confirm, by their oath upon their master's soul, all things contained in the letters patent drawn up at Roxburgh.

Mutual incursions began about this time on the borders; by which incursions the king of England affirmed, that the Scots were the aggressors, and first breakers of the peace; and, on this footing, sought to justify his own conduct at the courts of France and Rome, In briefs to the sheriffs of the three northern counties, dated March 23d, he says, that the Scots, with a great army and banners displayed, had already several times entered England, committing mischiefs of all kinds; notoriously breaking the late peace, and moving war *. By these briefs the sheriffs are commanded to make proclamation, that the inhabitants of the invaded counties should retire with their moveables to the interior parts of the kingdom, where the king had given proper orders for their hospitable reception and entertainment.

Rym ib. 557. Ib. 551.

Knight.

The first inroad related by historians, is that which the lord Archibald Douglas, at the head of more than three thousand choice men, made about the 20th of March, into Gillesland † and the estates of the lord Dacres, wherein he spread desolation to the extent of thirty miles. He returned in a few days without any encounter. Retaliation however was soon made, by an incursion of Sir Anthony Lucy of Cockermouth, and William of Loughmaban, who having, with eight hundred men penetrated above twenty leagues into Scotland, were attacked by Sir William Douglas keeper of the castle of Lochmaban. After a very fierce conflict, wherein lord Lucy was sore wounded, the victory fell to the English. More than one hundred and sixty Scottish men at arms were slain, among which were lord Humphrey Gordon and Sir William Carlisle; and Sir William Douglas himself, Sir William Baird, and a hundred more, were made prisoners. Sir William Douglas was esteemed such a prize, that orders were sent from the king of England to the lord Dacres, constable of the castle of Carlisle, or his lieutenant, to detain him in iron fetters, and not to liberate him without special orders ‡. Another inroad, towards the other end of the marches, was made by the English as far as Haddington, in the time of the fair of that town.

Walf. Dugd.

Rym. ib. 552.

The English writers say, that king Edward, on being refused by the Scottish regency, the homage of their king and the restitution of Berwick, ordered his ambassador or herald to give David a public defiance, which in

* So he writes to the French king from Newcastle. May 7, that the guardian and great men of Scotland had made several hostile incursions into England, and so openly broken *the peace made with Robert Brus*. Here is no mention of the four years truce with Scotland, which Knighton and others say, was expired before the king of England entered into this war. This truce appears to be a mere fiction, contrived to justify Edward against the too well-founded charge of breach of public faith; and of cruelty to his sister, and her husband David Brus.

† Gilles-land is a tract of land in Cumberland, to the northwest of Carlisle, in the direction of the Roman wall. The little river Gelt runs through it (Camd.). It belonged to lord Dacres, on whom it was, perhaps partly the design of this invasion, to revenge the protection he gave to the fugitive king.

‡ Sir William Douglas is called, in the order from the king to Dacres, Sir W. D. of Polerte. Fordun says, that as it were, the flower of knighthood in all Annandale, was taken by the English at Lochmaban, among which captives was Sir William Douglas of Liddesdale. His countrymen called him the flower of chivalry. Ford. l. 13. c. 27. Godsc.

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the customs of that time was equivalent to a declaration of war. The rendezvous of his forces for prosecuting this war, was appointed at Newcastle, on Trinity Sunday. But in the mean time, for guarding his marches and repelling the attacks of the Scots, he sent toward Scotland a considerable body of forces, under his cousin Henry earl of Lancaster, the earl of Arundel, the lord William Montague, and Ralph lord Neville, by whom Edward Baliol, and the few that had followed him into England, were reconducted into Scotland. These forces took a certain fortress near the borders, where they found, and restored to liberty, the lord Robert Colville, and several other persons of note of both sexes, who had been made prisoners by the Scots in their late incursions. The English army marched next to Berwick, and began to besiege it on the 12th of April *. The Scots, knowing that the reduction of this place would be one of the first and chief enterprises of their adversaries, had endeavoured, to the utmost of their power, to secure both the town and castle by numerous garrisons; and had intrusted the keeping of the town to Sir William Keith, and of the castle to Patrick earl of Dunbar.

David Brus, K. of Scotland. 1333. May 16. Dugd. i. 686. Rymer.

The keeper and garrison of the castle of Roxburgh having continued faithful to Baliol, he was, on his return to Scotland, received into it; and remained for some time in it, waiting the arrival of the king of England. The guardian, Sir Andrew Murray, endeavouring to force his way over the bridge that led to the town and castle, met with a firm and vigorous resistance from the English; and in endeavouring to rescue one of his retinue, an esquire, who in the shock was beaten down and in the utmost hazard, was himself enclosed by his enemies and made prisoner. Yet he would not as such surrender, until he was presented to the king of England at Durham, where he yielded himself the prisoner of that king. This loss of their guardian obliged the estates of Scotland to make choice of a new one; and the person elected was Archibald Douglas, lord of Galloway, brother of the famous lord James.

Ford. l. 12, c. 627.

The king of England, animated by all the ardour of a young hero, approached the scene of action early in the season. He was at Durham on the first of April, and thither his queen soon followed him. On St. George's day, being advanced to Newcastle, he thence sent letters to the prelates of his kingdom, asking and requiring their prayers for the success of his expedition. On the seventh of the following month, he dated a letter to the French king from Belford, a place within a few hours march of Berwick †. This letter shews, that Edward, in his former correspondence with that monarch, had been amusing him with promises of regulating his conduct towards Scotland agreeably to Philip's advice: but now he tells him, that the state of affairs is wholly altered, as the open hostilities committed against his kingdom by the guardian and other nobles of Scotland, which he could bear no longer, obliged him to apply such remedies as circumstances required.

Wharton, Ang. Sac. vol. i. 760. Rym. vol. iv. p. 553. Rym. ib 557.

* Avesbury says, that this siege was commanded by the lord William Montague.

† This letter was in answer to one from the abovementioned king, dated 22d March:

King

* Edward III. K. of England. 1333. Froiff. c. 27.

King Edward having arrived at Berwick, remained about a month before it; and finding, from the strength of the garrison and its resolute defence, that the place could not be soon taken, led part of his army into Scotland. In this expedition he took and garrisoned the castle of Edinburgh, and, passing the Firth at Queen's-Ferry, overran all the country as far as Scone and Dundee; and on the other side, carried his ravages to the neighbourhood of Dunbarton; in which strong castle, king David and his queen were placed, as in a secure retreat. The fighting men and inhabitants, who would not submit to Baliol and the English, retired with their moveables to the fastnesses of the country; the most noted of which, in those days, was the *forest* of Jedburgh. On his return towards Berwick, Edward took the castle of Blackness; and resolving to keep that fortress, he left in it a garrison for its defence. He is said to have been annoyed in his march by brisk onsets from parties of the inhabitants, where places and occasions favoured: but a general engagement the Scots were so wise as to avoid, agreeably to the example and dying advice of the sagacious king Robert Brus; which if they had continued to observe, it would have saved them from the destruction that was now fast approaching them.

Thoroton's Noting. p. 264. as quoted by Barnes, p. 744.

Ford. vol. ii. c. 26. Buchan, l. 9. c. 12.

The king, on his return from Scotland, found Berwick still holding out; and being reinforced with a fresh body of troops from Ireland and Aquitaine, under the command of John lord d'Arcy, he declared his resolution not to leave it until he had either reduced it, or battle should be offered him by the Scots *. As we have no account of assaults made, or engines employed by the English in this siege, it seems to have been a strait blockade by sea and land, whereby all supply of provisions was cut off. The besieged endeavoured to drive off their enemies, or to force passages through them, by many vigorous sallies: They made a successful assault upon the English fleet; a great part of which, it is related, they burnt or sunk. In this action Sir William Seton, the bastard son of Sir Alexander Seton, was drowned, by failing in a leap he made from one vessel towards another; and in a sally by land, one of Sir Alexander's legitimate sons was taken prisoner. The garrison cherished the hope, that, after so long a defence, their countrymen would not suffer them, with the town and castle, esteemed the chief key of the kingdom to fall into the hands of their enemies. To these hopes corresponded the wishes and endeavours of all good Scotchmen; so that lord Archibald Douglas found it easy to collect a very numerous army from the different corners of Scotland, led by their gallant nobles and chieftains, and full of ardor to defend their native country and repel its formidable invaders. This army lord Douglas led

* The king's head-quarters, during the siege of Berwick, as appears from the dates of several papers, were at Tweedmouth. If we are to judge of the continuance of his expedition into Scotland, by the longest interval in the dates of these papers, it was not more than eighteen days, viz. from the 8th to the 26th of June. Froissard, who is the chief authority for this expedition, gives a very erroneous account of the transactions of this period. He says, for instance, that king Edward was six months in Scotland: and, what is strange, he relates the taking of Berwick, which he corrupts into Warwick, without saying a word of the famous battle of Hallidown-Hill. Froissard, vol. i. c. 26, 27.

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to the neighbourhood of Berwick; but instead of attacking the army of England, that lay before that place, he crossed the Tweed, and, in sight of the town, marched along the coast towards the castle of Bamburgh; which being esteemed impregnable, was chosen by the king of England as a secure residence for his queen. The Scottish army consumed some days in blocking up that fortress, and in ravaging the adjacent parts of Northumberland; hoping that Edward's solicitude for his queen, and desire to hinder the destruction of a very fertile spot of his kirgdom, would make him abandon the siege of Berwick.

David Brus, K. of Scotland. 1333.

Walfingham, as quoted by Tyrrell, vol iii. p. 378.

But the temper and character of the English lords, and their sovereign, differed much from what they had been in the former siege of that place in 1318, which had been raised by a similar plan of proceeding. And the garrison beginning now to feel a scarcity of provisions, entered into a treaty of capitulation with the king of England; which he granted the more readily, as one of its articles gave him, what he ardently wished, the agreeable hopes of an engagement with the Scottish army. This capitulation was concluded on the 15th of July *. The principal conditions were, that both the town and

Rym. vol. iv. p. 564, 565, 567, 568.

* The indentures of this capitulation, betwixt Edward king of England and Patrick de Dunbarre earl of March, governor of the castle, and Sir William Keith, governor of the town, were subscribed, the former on Thursday the 15th, and the latter on Friday the 16th of July. The names of the hostages, delivered to Edward, from the castle and town, for the performance of the capitulation, were Edward de Letham, John de Fiuz, and John de Hoom.

The Scottish historians, Boece and Buchanan, relate a barbarous action committed by Edward at this time, in ordering two of Sir Alexander Seton's sons to be hanged, contrary to the express conditions of a treaty.

After the siege of Berwick, say these historians, had been continued so long as to reduce the garrison to considerable straits, a truce was concluded for a certain number of days; on condition that if within that time the town and castle were not relieved by the Scottish army, they should both surrender to the English king. Hostages were given by the Scots for security of their performing this agreement, one of whom was Sir Alexander Seton's eldest son; and liberty was granted by Edward to Sir William Keith, to inform lord Douglas, the guardian of Scotland, of the present situation of the place. But soon after the conclusion of this treaty, Edward, apprehending from the approach of the Scottish army, that he would be robbed of the so much desired prey, now almost within his grasp, required Sir Alexander Seton, who, the above-named authors relate, was governor of the town (*a*), immediately to surrender the place; threatening, if he refused, to hang his eldest son Thomas, whom he had received as an hostage, and also his second son Alexander, whom he had formerly taken prisoner. Seton remonstrated, that the day agreed on was not yet arrived, and complained vehemently of so gross a violation of faith; but Edward, regardless of his complaints, ordered a gibbet to be erected, in full view of the town, and both his sons to be led forth to execution. These historians farther add, and this part of their story they are at great pains to adorn, that in the sore struggle which so woeful a spectacle excited in the breast of the parent, fondness for his offspring was like to have prevailed over patriotism and honour; but that his lady in time interposed, and by her powerful and spirited exhortations, and at last by hurrying him away from the view of the horrid scene, saved her husband the shame of betraying the trust reposed in him by his country. The unrelenting king, however, both authors affirm, proceeded in his cruel purpose, and Seton's two sons were hanged. The English historians, almost without exception, reject this story as a malicious fable, invented to asperse the character of their favourite monarch. Indeed the behaviour ascribed to Edward, in the above relation, is so unworthy of him, that it is altogether undeserving of credit.

Boece, l. 9. p. 314. Buchan, l. 9. c. 13.

(*a*) It is probable that Seton was deputy governor, or next in command to Keith.

Edward III. K. of England. 1333.

and caſtle ſhould be delivered to Edward on the 20th of the above-mentioned month, if not relieved before that time with two hundred men at arms from the Scottiſh army, or by a battle; that in the interval there ſhould be a ceſſation of arms on both ſides; that in the event of a ſurrender the lives of the garriſon and inhabitants ſhould be preſerved, and their properties ſecured; and to ſuch as inclined to leave the town, liberty ſhould be granted to depart, and forty days allowed them to diſpoſe of their effects. Leave was alſo given to the garriſon of the town to ſend Sir William Keith their governor to inform lord Douglas of this capitulation, and the other circumſtances of their preſent ſituation.

Ford. v. ii. 27. Walſing.

Agreeably to this treaty Sir William Keith repaired without delay to the Scottiſh army; and the entreaties he employed, together with the repreſentation he gave of the ſuperiority of the forces of his countrymen to thoſe of England, concurring with the martial ardour of the guardian, a reſolution was formed, contrary to the opinion of many of the Scottiſh nobles, of attempting to relieve Berwick by a battle, before the time appointed for its ſurrender. On the 18th of July, the day before the engagement, lord Douglas led his army over the Tweed, and encamped at a place called Dunſepark

Chron. Lanercoſt & Scala, Tyrell, vol. iii. p. 379.

Tyrell, a candid and induſtrious compiler of Engliſh hiſtory, gives, from two manuſcripts, which he ſays, are of ſufficient authority, an account of a tranſaction between Edward and Seton, which, though it does not clear the king of the charge of cruelty, yet throws the perfidy wholly on the Scottiſh commander. According to this account, when the truce concluded on the terms related by Boece and Buchanan expired, Edward immediately ſummoned the beſieged to ſurrender; Seton anſwered, that he could not yield the place, as he expected in a very few days to be relieved by his countrymen: the king inſiſted loudly on the expreſs terms of the truce, by which he was obliged to ſurrender without farther delay: Seton ſtill refuſed, and even attempted to evade and explain away the articles of the truce; at this the king was ſo incenſed, that, by the advice of his council, he cauſed one of his ſons to be hanged up in his ſight. The execution of young Seton, which was certainly a very harſh meaſure, is ſaid to have induced thoſe in the town, who had given their ſons for hoſtages, earneſtly to ſolicit new terms from the king, who conſented to a prolongation of the truce for eight days more; within which time, if they were not relieved by the junction at leaſt of two hundred men at arms, they were to deliver up the town and caſtle without farther delay.

This account of the affair however is attended with difficulties; it cannot well be ſuppoſed, after ſo ſevere a ſtep as the execution of Seton's ſon, that either the king or the garriſon would be in a diſpoſition to treat. Beſides, the above relation diſagrees with the record. The names of the hoſtages delivered to Edward for the fulfilment of the treaty of capitulation are there mentioned; Seton's ſon is none of them. But if we ſuppoſe there was a former treaty of ſurrender, for the obſervation of which young Seton might have been a hoſtage, and might have ſuffered, and that the prorogation of the truce mentioned by Tyrell is the ſame with the treaty of capitulation taken notice of in the text, one would think in that capitulation, if it was only a prorogation of a former treaty, the former treaty itſelf would have been referred to.

But after all, it is probable there is ſome truth in this ſtory, and that a ſon of Seton was really executed by order of Edward, though the preciſe circumſtances of it cannot now be aſcertained. For, beſides the relations of this affair by the authors above-mentioned, Fordun, a writer deſerving credit, informs us, that Edward commanded a gibbet to be erected, and Seton's ſon Thomas to be hanged in ſight of both his parents; but agrees with Tyrell's authorities, that this execution did not take place until the time fixed upon for the ſurrender of the town expired. That ſuch an execution actually happened, is farther confirmed by a tradition that has continued in Berwick down to this day: the very place of it, on the ſouth ſide of the river, a little above the bridge, well agreeing with the account given by hiſtorians, of its being full in view of the ramparts of the town, is ſtill pointed out, and is vulgarly called by a name derived from that event: (Hang a Dyke Nook).

Ford. vol. ii. l. 13. c. 28.

or

David Brus, K. of Scotland. 1333.

or Bothul, whence he advanced towards the English, whose army was drawn up on Haledon hill, a very considerable eminence on the west of the town, rising by a gradual acclivity from the banks of the river, and on the other side and west end, having a shorter but steeper ascent; this eminence, commanding the prospect of all the approaches to Berwick, afforded, from its superior height, a very advantageous position for attacking an army approaching the town on the side of Scotland. Notwithstanding this manifest disadvantage, the Scots esteemed it prudent to fight in their country, for the sake of a more secure retreat if the battle should prove adverse; and perhaps they intended, on the opposite event, to make the flight of the English impossible, by delaying their attack until the time of full tide in the Tweed; which rendered the river unpassable, and which, on that day, happened at mid-afternoon.

Barnes's Hist. Edw. III. p. 78.

MS. C. C. C. Ap. Barnes, p. 78. Knighton, p. 2564.

Two English writers give a very particular account of the disposition of the Scottish army into four great bodies or battles, and of the men of distinguished authority in each of these. At the head of the first battle was John Murray, in room of John Randolph earl of Murray; the principal of his attendants were lord Andrew Fraser, with his two brothers Simon and James. The second division was led on by Robert lord high steward of Scotland; along with him were the principal men of his kindred, and the earl of Monteith. At the head of the third division, were the earls of Ross, Sutherland, and Strathern: and the fourth was conducted by lord Archibald Douglas, guardian of the kingdom of Scotland, and commander in chief, accompanied by the earls of Lennox and Carrick. The several bodies that composed the Scottish army are said to have amounted in the whole to about sixty-eight thousand men; a far greater number than was ever usual for the Scots to bring into the field, and very unlikely to be at this time near so great, when one considers the losses they had sustained by Baliol's victories in the preceding year. We have no certain account of the number of Edward's army: the English writers represent it as greatly inferior in that respect to the Scottish; and that Edward was, upon this account, under a necessity of availing himself of the advantageous situation he had occupied. But when it is considered, that Edward marched northwards in the beginning of the season, with all the forces of England, that he had lately received a reinforcement of his Irish and Gascon subjects, and that no mention is made of any considerable loss having been sustained by him either in the course of the siege, or in his expedition into Scotland, it seems most likely, that the Scotch authors ought rather to be credited, in affirming that their countrymen were much inferior in number to the English *. Edward and Baliol king of Scotland having drawn out all their forces into the field, disposed them into four bodies of foot, in order to

* Edward, in his letter to the prelates, requiring the offering up of public thanks, though he ſpeaks of the Scottiſh army being very numerous, yet mentions not the inferiority of numbers on his own ſide, which if conſiderable, he would ſcarce have failed to have noticed. Rym. vol. iv. p. 568. There is alſo an order, dated at Newcaſtle Auguſt 4th, which ſhews, that the king had remitted proſecutions and outlawries againſt thoſe who ſerved him faithfully in his late war with Scotland; the promiſe of this would bring in a great number to ſerve the king, and the granting of ſuch a privilege ſhews the great deſire he had to increaſe his numbers. Rym. ib. 573.

Edward III. K. of England. 1335.

receive and repel the attack of the like number of battalions of their enemies: each of these bodies were winged with bands of choice and skilful archers *. When both sides were ready to engage, the shock of battle was a while suspended by the appearance of a Scotchman of gigantic stature, who had acquired the name of *Turnbull*, on account of a brave exploit he had performed, in saving king Robert Brus from being gored to death by a wild bull, which had overthrown him while he was hunting. Attended by a great mastiff, Turnbull approached the English army, and challenged any person in it to come forth, and fight a single combat with him. After a short pause of astonishment, the challenge was accepted by Sir Robert Benhale, a young Norfolk knight, inferior to the Scot in stature, but of great bodily strength, and yielding to none in military address. The mastiff flying out against Benhale, the brave knight brought a heavy blow upon its loins, and separated its hinder legs from the rest of its body; and, encountering immediately with Turnbull, he eluded by his address and agility the blows aimed at him, and first cut off the left arm, and then the head of his adversary.

Stowe, p. 231. Sir Richard Baker, in his account of men of note in king Edward's time

MS. C. C. C. Ap. Barnes, p. 79. Fordun. Boece. Buchanan. Knighton.

Notwithstanding this unfavourable beginning, and the great advantage of the ground possessed by the English, the Scottish army made a vigorous effort to ascend the hill, and to come to blows with their enemies. To make the danger equal, the leaders, chieftains, and men at arms, having left their horses to the care of their valets, advanced all to the combat on foot. But the English archers, from the different parts of the hill on which they were skilfully stationed, poured such showers of arrows on the close battalions of their enemies, as were not to be borne. The Scots, by this means thrown into confusion, were attacked by the English spearmen and men at arms, while dispirited and breathless by climbing up the hill, and a great slaughter begun. Yet the Scots still rallied, and fiercely maintained the battle, until the general fell, being struck through with a spear; after which a total rout and terrible destruction ensued. The valets and pages who had the charge of the horses, rode off with them at full speed, attentive only to their own safety, and leaving their masters a helpless prey to their enemies. Those who attempted to fly on foot were overtaken by the English men at arms, who now mounted their horses for the pursuit, and destroyed their adversaries without mercy; little or no quarter being given. Many, who faced about singly, or in small bodies, were every where overpowered by superior numbers of victorious foes. Edward, at the head of a choice brigade of cavalry and archers on horseback, attended by lord D'Arcy, with the troops he brought from Ireland, led on the chace and directed the slaughter. The pursuit was continued five miles from the field of battle. The English historians relate, that the Scots lost, on this fatal day, eight earls, ninety knights and bannerets, four hundred esquires, and thirty-five thousand private men. It may be justly doubted whether the whole number of the Scottish army was so great. The Scottish writers acknowledge the loss of ten thousand men. Boece makes them amount to fourteen thousand. The chief of the slain were, the general

* One of Leland's authors says, that the Scots in this battle were vanquished by the archers of the English, in a place called Bothul, nigh Haledon, and not far from Berwick. Lel. Coll. i. 259.

himself,

himself, after giving striking proofs of unavailing bravery *, the earls of Ross, Sutherland, Carrick, Athol, Lennox, and Monteith, three Stewarts, uncles of Robert the lord high steward, three Frasers, Sir John Graham, Sir Duncan Campbell, and Sir William Tudway. Some considerable persons were also taken prisoners; among whom was Sir William Keith governor of the town of Berwick †: and all these Boece says, were, by Edward's order put to death on the morning of the day after the battle: a circumstance so improbable, and so injurious to Edward, as to require much better authority for verifying it than that of Boece; besides, it is an undoubted fact, that some of these very persons were alive long after this engagement. The loss of the English in this remarkable battle was very inconsiderable; but their historians diminish it beyond all probable bounds, in relating, that on their side fell only one knight, one esquire, and twelve or thirteen footmen ‡.

David Brus, K. of Scotland. 1333.

On the day after the battle, the castle and town of Berwick were surrendered to the victorious king, who faithfully observed the articles of capitulation. Edward staid some days in Berwick to refresh himself and his army after their late fatigues; from thence he issued orders to all the archbishops and bishops of his dominions, to cause public thanks to be every where rendered to Heaven for his late successes. As a farther monument of pious gratitude, by the advice and assent of the prelates and nobles at that time attending him, he made a donation for himself and successors of 20*l.* a-year to the Cistertian nuns, whose convent was situated in the neighbourhood of the field of battle. The conventual church and other houses of these nuns, which had been burnt and destroyed in the course of the war, were ordered to be repaired and rebuilt at the king's expence, and a new altar to be erected in their church in honour of the virgin St. Margaret, on whose eve the battle was fought; at which altar solemn offices were appointed to be performed, in grateful remembrance of the victory, and in honour of the virgin on her eve and day, through all succeeding times. To these demonstrations of pious gratitude, the young king is said to have added, on his leaving Berwick, a progress to several of the most celebrated sanctuaries of his kingdom, to offer up his charities and devotions; thus affecting, like most other conquerors, to draw heaven to his party, and to regard the success accompanying the most unjust enterprises, as a proof of the peculiar favour of the Deity.

Rym. tom. iv. p. 568. July 22. Ib. 571.

Walf. Hift. p. 114.

Edward, before he left Berwick, received the fealty of Patrick earl of March and Dunbar, and gave him letters of protection for his person and possessions; but appointed him to rebuild, at his own expence, his castle of Dunbar, and to admit into it an English garrison. This fortress the earl had demolished from despair of being able to defend it, and to prevent Edward

Knighton, p. 2564. Boece, l. 15. p. 316.

* The ſpot where lord Douglas was ſlain, is ſtill known by the name of Douglas-Dyke.

† The other priſoners of diſtinction were, Sir William Douglas, Sir Robert Kirkpatrick, Sir William Campbell, Sir Gilbert Wiſeman, Sir Alexander Graham, and Sir Oliver Sinclair.

‡ Edward in the orders for a public thankſgiving, mentioned in a preceding note, ſays, that the battle was gained without much loſs on his ſide (*abſque læſione magna gentis noſtræ.*) This expreſſion however, ſeems to import a greater number than that mentioned above. Rym. t. iv. p. 568.

from

Edward III. K. of England. 1333.

from seizing it and making it a place of strength. The like fealty was rendered by several persons within and without the town of Berwick *, and by the convents in the adjacent country †. Edward resolving to retain Berwick as his property by conquest and inheritance, as well as by the grant of Baliol, appointed the lord Henry Percy governor of the castle ‡, and gave a commission to him and the earl of March, to act as joint wardens of all the country on this side the Scottish sea, which he had received to his peace. He required also, for securing the town of Berwick in his allegiance, twelve hostages to be chosen out of the children of the men of best rank and credit in the place, eight of whom were sent to Newcastle and four to York.

Rym. tom. iv. p. 570. Barnes, p. 80. Knighton. p. 2564. Rym. tom. iv. p. 581.

Auguſt 10. Knighton, p. 2565. Ford. v. ii. c. 28.

Soon after the battle of Halidon-hill, Edward Baliol led into Scotland an army of 26,000 men, consisting of the English who had become followers of his fortune, and the Scots who had submitted to him: and such was the weakness and general consternation of king David Brus's party, that no resistance was made to Baliol, and the whole kingdom was reduced, excepting the castles of Dunbarton, Lochleven, Kildromy, Urquhart, and Louchdoun. From the first mentioned strong fortress, the young king, now stripped of his kingdom, was, together with his queen, about this time conveyed to France §, where king Philip received and entertained them in the most humane and generous manner.

Fabian. ap. Barnes, 81. Froiſſard, c. 33.

Walſ & M. S. ap. Barnes, p. 82. Dugdale, as quoted by Barnes, p. 82.

After Michaelmas, Edward Baliol held his parliament at Perth, where the Englishmen who claimed lands as their inheritance in Scotland, came and did homage to him for these lands, as others did for lands now granted them in reward of their services. The lord Henry Beaumont, David Strathbolgi earl of Athol, and lord Richard Talbot, had restored and confirmed to them the extensive possessions of the Cumins of Buchan and Badenoch ‖. The lord Henry Percy obtained a grant of the peel or fortress of Lochmaben, with the vallies of Annandale and Moffatdale; all which were parts of the estate of the late famous Randolph earl of Murray. Strathern was granted to the earl of Surrey, in recompence of his labours and expences in the Scottish war; and Ralph Lord Neville of Raby, lord John Moubray, and Sir Edward Bohun, brother to John earl of Hereford, had lands bestowed on them for their eminent services to Baliol. This parliament is said to have revoked and annulled all acts and ordinances made by the kings Robert and David, and to have declared void all their grants of lands and possessions, and to have ordained these to be restored to their former rightful inheritors. The lord Henry Percy, and Ralph Neville steward of the king's household, with two

Rymer, iv. 595. Barnes, ib.

Holingſhed, Eng. Chron. p. 896.

* The Scottiſh writers, Boece and Buchanan, ſay, that allegiance was ſworn to Edward by Sir Alexander Seton, whom they always mention as governor of the town. Perhaps Sir William Keith the governor, ſwore this allegiance. Knighton ſays, Sir Alexander Ramſay and Sir Robert Miners took an oath of fealty to Edward.

† Namely, of Melroſs, Kelſo, Coldſtream, Eccles, and Coldingham; to all which the like protections were alſo given. Rym. ib.

‡ Sir Thomas Grey was appointed his lieutenant. Dugd.

§ By Malcolm Fleming of Cumbernald, governor of the caſtle of Dunbarton.

‖ See the ground of their claims to theſe eſtates above, p. 295.

others

others *, were deputed by the king of England to attend this Scottish parliament, in order to seek and prosecute the approbation, confirmation, and fulfilment of the conventions between the king of England and his cousin the lord Edward Baliol king of Scotland, and farther to do what ought to be done in the premises by or for their master the king of England.

David Brus, K. of Scotland. 1333. Rym. ib. 576.

It doth not appear what hindered the settlement of affairs between the sovereign and vassal kings in Baliol's first parliament at Perth; but it is certain, things were not finished until a new Scottish parliament met at Edinburgh, in the chapel of Holyrood-house in February. To attend this, a commission, in the same terms with the former, was given to five persons, of whom the lords Percy and Neville were still two, but those conjoined with them were men of greater names and eminence than their partners in the former commission; the three latter were, Edward de Bohun, cousin to the king, William de Montague lord of Man, and Geffrey le Scrop chief justice of England †. By virtue of this commission Geffrey le Scrop at the bar of the parliament, and publicly required Baliol to perform and ratify all former promises and contracts, which he had come under to his sovereign lord Edward king of England. To this requisition Edward Baliol readily gave his consent; and four writs were drawn up, and received the sanction of the vassal king and his parliament. By the first, Baliol was obliged to pay to Edward 2000*l. per ann.* as due for the aids granted to assist him in recovering his inheritance. In the second, he was bound to accompany him in his wars with the forces of Scotland. In the third, he declared and attested the homage paid by him to Edward for the Scottish kingdom. And in the fourth, he alienated the town, castle, and county of Berwick, thenceforth to be enjoyed by the king of England and his heirs, separate from Scotland, and perpetually annexed and united to, and incorporated with, the royal dignity of the crown and kingdom of England.

A. D. 1334.

Rym. tom. iv. p. 588.

Ib. 590, 591, 592, 593, 594.

Rym. tom. iv. p. 594.

As Edward Baliol's exaltation to the throne of Scotland, was wholly the work of the king of England and some of his nobles, actuated by the views of private interest and ambition, he soon began to find himself treated by them as their creature and tool. An instance of this appeared soon after the breaking up of the parliament, whose proceedings we have been relating. The friends, or as the king of England calls them the accomplices of Malis earl of Strathern, solicited Baliol to reverse his forfeiture, and to restore to him his earldom, which Baliol had bestowed on John de Warrenne earl of Surrey. These solicitations being likely to prove successful, the king of England, importuned no doubt by the earl of Surrey, wrote to Baliol a letter in a menacing strain, admonishing him not precipitately to undo in his prosperity, what he had granted to the well-deserving in his adversity, lest the earl of Surrey, and others in the like circumstances, should be obliged to think of another remedy. He also wrote to lord Henry Beaumont, as the person who was entitled to the greatest influence with Baliol, and to whom he principally

Rym ib. 595, 596.

* Willi am de Shareſhall and Thomas de Baumburgh.

† Two notaries were alſo ſent, to make an authentic record of the tranſactions between the kings in this parliament. Rym. ib.

owed

Edward III. K. of England. 1334.

owed his crown, to oppose the proceedings in favour of the forfeited earl as being of bad example and dangerous, not only to the earl of Surrey but also to lord Beaumont himself, and to other Englishmen who had obtained the like rewards in Scotland.

The king of England, while thus careful of the interests of his subjects in Scotland, was not forgetful of his own. Having come to Newcastle in June, he did there, in quality of sovereign lord of Scotland, receive in a public and solemn manner, Edward Baliol's homage and fealty; and there also, Baliol, as a recompence for the infinite expences and labours of Edward in recovering and restoring to him his inheritance, gave his letters patent to the English king, assigning and alienating to him two thousand pounds yearly of lands and rents on the borders, where it should best please him. In part of this 2000*l.* he granted to him the castle, town, and county of Berwick upon Tweed, with their appurtenances, to be annexed to the crown of England for ever. And to make full satisfaction for the remainder of the said 2000*l.* of annual revenue, he granted and assigned by the same deed, the town, castle, and county of Roxburgh; the town, castle, and forest of Jedburgh; the town and castle of Selkirk and Ettrick; the town, castle, and county of Edinburgh; the constabularies of Haddington and Linlithgow; the town and county of Peebles; and the town, county, and castle of Dumfries; all to be held separate from the crown of Scotland, and annexed to and incorporated with the crown of England for ever. It is affirmed in this deed, that all these extensive alienations were made by the assent of all the orders of the Scottish kingdom assembled in Parliament. Three days after this very extensive cession of Baliol to Edward, the English monarch appointed six different persons to take full seisin from the king of Scotland, or any deputed by him, of the above counties with their towns, castles, and forests; and to be respectively the sheriffs and keepers of these during the king's pleasure, with orders to answer for all issues and profits of their offices, and to deliver the money arising from thence to the king's chamberlain, with a reservation of such fees to themselves, as other sheriffs and keepers of castles had been wont to receive. John de Bourdon, the king's beloved Clerk *, was constituted chamberlain or chief officer of the revenue for the town and county of Berwick, and for all the counties and lands acquired by the cession of Baliol above described. And the chief magistracy of the same country, for administering justice according to the law and custom of the kingdom of Scotland, was conferred on Robert Lowdre, with the title of justiciary of Laudonia, and having a power to substitute a deputy.

Rym. iv. 615. 616.

Rym. ib. 617. 618.

In the grant made by Baliol to the king of England of all that belonged to him in the town, country, and castle of Dumfries, no reservation had been made of certain lands that the former possessed there, not as the inheritance of the king of Scotland, but as his own private estate belonging to the family of Baliol †. By this neglect Edward might have claimed these lands, but upon

* So called in the writ of appointment.

† The lands of Botel, Kenmore, and Kirkandres.

the

the mistake being represented to him, he gave his letters patent to the king of Scotland, declaring that, exclusive of these lands, he had, by the alienations above named, received the full amount of the stipulated 2000*l. per ann.* and that from *his regard to God*, and *right*, and *good faith*, he granted the above said lands to be still held by Baliol, notwithstanding the general grant of the latter, upon which the king of England might have claimed them. David Brus, K. of Scotland. 1334. Rym. tom. iv. p. 618.

Edward Baliol appears in almost every part of his history, so mere a tool of the king and nobles of England, that it is difficult to discover his own real character. We cannot therefore well judge whether it proceeded from peculiar favour which Baliol bore to Sir Alexander Moubray, or from the love of justice and a sense of his real dignity, obliging him to support a righteous cause, that he espoused the interest of Moubray against men so great and powerful, and to whom he had been so much obliged, as the lord Henry Beaumont, David earl of Athol, and the lord Richard Talbot. Whatever was his motive, Baliol gave a sentence in parliament in favour of Moubray against lord Henry Beaumont, in regard to certain lands held by the former in right of his wife, and claimed by the latter. The earl of Athol and lord Richard Talbot supported the claim of Beaumont, their friend and near ally *, in this litigation with great warmth. Hence arose, only about two months after Edward had completed his settlement of every thing with his vassal king, such discontent and resentment, that the offended lords retired from Baliol's court; Beaumont to his earldom of Buchan, in which county were the lands, or part of them, claimed by Moubray, where he fortified his castle of Dundarg, and reduced to his obedience the adjacent country. David de Strathbolgi removed to the hills and fortresses of his strong and extensive country of Athol; and lord Richard Talbot chose to make his retreat to England: on the road in Laudonia, he was intercepted by a party of those attached to king David, eager to embrace the very first favourable opportunity given them by the discords of their foes; and after a fierce encounter, wherein six knights of Talbot's retinue were slain, he was himself taken and carried to the castle of Dunbarton, where he remained a prisoner until the following spring, when he paid a high ransom for his liberty. Boece. Buch. Aberc. Buchan. Ford. v. ii. l. 13. c. 29. Sept. 8. Rym. tom. iv. p. 639. Fordun. Buchan.

Edward Baliol not thinking himself safe in his own kingdom, after being deserted by men of such power and influence, retired to Berwick. To regain the friendship of the offended lords, he agreed to revoke the judgment in favour of Moubray, and to admit Beaumont's right to the contested lands. This incensed Moubray, who, like the lords above-mentioned, indulging fierce resentment, without respect to duty or former attachments, immediately changed his party, and broke out into open rebellion; acting in the strictest concert with Sir Andrew Murray, the late regent of Scotland for David Bruce, who, about the time of the events above related, was, by paying a great ransom, freed from his captivity in England. With these powerful chieftains, also associated Geffrey de Moubray, who had been appointed by the king of England sheriff of the county of Roxburgh, and keeper of the castle, and was Knighton. Rymer.

* The earl of Athol, as was observed before, married Beaumont's daughter, and his mother was sister to Talbot's wife. See above, p. 295.

Edward III. K. of England. 1334.

probably provoked by being removed from both offices. This confederacy proved more formidable and mischievous to Baliol than that of the former malcontents. Baliol endeavoured also to reconcile himself still more effectually to the earl of Athol and lord Richard Talbot, by making to the former a grant of the great estates of Robert high steward of Scotland, and promising to pay the ransom of the latter at his own expence. Soon after this, he levied forces and marched to the west of Scotland, with a design of putting Athol in possession of the steward's ample domains, which lay in that part of the kingdom. Robert the high steward, was then a minor of fifteen years of age; he was nephew to king David Brus, and next heir to the crown. Though his dependents were unable to defend his castles from the prevailing power of Baliol, and to prevent his estate from being over-run and plundered, yet some of the faithful friends of his family conveyed his person to a safe retreat in the strong castle of Dunbarton.

Tyrell, tom. iii. p. 364.

A parliament that met at Westminster about Michaelmas, being informed of the insurrection in Scotland, resolved to support the king in defending his late acquisitions there: for that effect, they granted him a supply of a fifteenth from the lords and knights of shires, a tenth from the clergy, and the like supply from the citizens and burgesses. In consequence of this parliamentary aid, Edward set out on his expedition towards Scotland, and came to Berwick early in November. For strengthening his new acquisitions and the English march, he there gave orders that the fortifications of the town and castle of Roxburgh should be restored. Marching westward from thence, and joining his forces to those of Baliol, about the middle of the above-named month, he entered Scotland by Galloway, and penetrated as far as Glasgow, laying waste the estates of his enemies *. A principal object of Edward's present expedition into Scotland, was probably to relieve the lord Beaumont, besieged in his castle of Dundarg, by Sir Andrew Murray and Sir Alexander Moubray; but before Edward could march to his relief, he was obliged to surrender his fortress, to yield himself a prisoner, and to pay a great price for his ransom †. Edward finding his presence no longer necessary in Scotland, was returning from this expedition towards Berwick, accompanied by his vassal king; but the circumstances of his affairs determined him to continue in the borders till after Christmas ‡, which festival he kept in the castle of Roxburgh. After the expiration of the holidays, Edward made an expedition into the forest of Ettrick, but without effect; for the enemies he had expected there to meet with had retired. He remained at Roxburgh, or in its neighbourhood, a considerable time; but not long after his return into England, Baliol was obliged to take refuge there by the prevailing arms of John Randolph earl of

Knighton, p. 2565. Walf. ap. Tyrell, tom. iii. p. 384. Buchan. l. 9. c. 19.

Tyrell, from a Record, vol. iii. p. 384. A. D. 1335. Walf. Chron. Lan. ap. Tyrell, vol. iii. p. 385.

* Walfingham relates, that notwithstanding the advanced season of the year, Edward marched into the remotest parts of Scotland, beyond the utmost progress of the arms of his grandfather. This is altogether improbable.

† Fordun relates, that lord Beaumont obtained a safe-conduct for passing into England, promising upon oath, on his return thither, to labour for re-establishment of peace. Ford. tom. ii. l. 13. c. 29.

‡ About this time, Patrick earl of March, the great border chieftain, revolted from Edward and Baliol, and retired to the Highlands to join the friends of Bruce. See Tyrell, ib.

Murray.

Murray. This was a new leader who came over from king David to the castle of Dunbarton, and associated himself in the strictest manner with Robert, the young steward of Scotland. Robert had, a short time before, come forth from the fortress just mentioned, and having been joined by Campbell of Lochow *, and others, had great success in the districts of his own inheritance, and the country adjacent. Upon the arrival of Murray, numbers of the nobility and gentry joined him and the steward; and to give the appearance of legal authority to their proceedings, elected these two noblemen joint guardians of the kingdom. Murray went immediately to the North; and his own dependents, and great numbers besides of king David's faithful subjects, flocking to his standard, he marched against the earl of Athol; and chasing him into the wilderness of Lochaber, he reduced him to such straits as obliged him to surrender. Athol agreed to take an oath of fealty to king David; and gave such assurances of his loyalty for the future, that Murray intrusted him with the lieutenancy of the North. From thence Murray led his forces into the provinces to the south of the Forth, yielded by Baliol to Edward; and being joined by Sir William Douglas, lately ransomed from his captivity in England, Sir Alexander Ramsay, called the Flower of Knighthood, and other gallant men, soon grew so formidable as to oblige Baliol again to retire into England †.

{David Brus. K. of Scotland.

1335.

Ford. vol. ii. l. 13. c. 33. Buchan, l. 9. c. 19.

In the beginning of April, Edward, at the request of the French king, by his envoys then in England, granted the Scots of David Brus's party a truce from the ensuing Easter until Midsummer: and during this interval, an English parliament met at York, to give aid and advice about the war with Scotland. The earl of Murray and the steward of Scotland convoked also in April, a general council, or parliament, of the friends of king David at Darwesy. The earl of Athol came to that meeting, attended with a numerous retinue of his dependents, and was very formidable. He treated with great indignity the earl of Murray, and Sir William Douglas ‡, who, however, had circumspection enough to avoid his snares. But by his insinuating arts, he had gained such an ascendant over the young steward, as rendered all the proceedings of that assembly ineffectual §.

Rym. iv. 640.

Barnes, p. 94.

Ford, vol. ii. l. 13. c. 34.

Edward,

* The ancestorof the family of Arg yle.

† Edward Baliol, with his forces, had retreated into England before the 6th of March. This appears from a license of the above date, granted by the king of England to Edward Baliol, to have a constable and marshal in his army for the punishment of offences. Baliol and his army being then in England. Rymer, vol. iv. p. 636, 637.

See a different account of these transactions in Tyrell, vol. iii. p. 385, from Chr. Lanercost.

‡ Against the latter of these, Fordun relates, he had a particular spite; and had protracted his captivity in England, by doing all in his power to prevent his being ransomed. Ford. l. 9. c. 33.

§ In the time of the truce above-mentioned, the castle of Lochlevin was besieged by Sir John Sterling, one of Baliol's principal officers. After he had continued before it some time, and found his endeavours to make himself master of it ineffectual, he had recourse to the following stratagem. As the castle stood upon a lake, from whence issues the river Leven, by erecting a great bank, he dammed up the river; expecting the fortress would soon be overflowed by the swelling of the water in the lake. The contrivance was excellent, and probably would have succeeded; but the greatest part of the besiegers, from a fit of devotion, repairing to an anniversary solemnity of St Margaret at Dunfermling, the garrison seizing the opportunity of their absence,

Edward III. K. of England. 1335.

Rym. vol. iv. 642, 652, 654, 667.

Edward, animated by a strong resentment against the Scots, for almost wholly frustrating his wonderful past successes, and determined to complete the reduction of that kingdom, employed the interval of truce in making great preparations for a new expedition into Scotland. Not content with the forces of England, and those of Baliol's party in Scotland, he called for the assistance of the prelates and chiefs of Ireland, and summoned the latter to attend him in person in this war. He received some auxiliaries from Flanders, under the command of the earls of Juliers and Namur; the former of whom had married the sister of queen Philippa. Henry count of Montbellegarde came also to his aid from Burgundy.

Holing. p. 898. Knighton, 2565.

Ford. vol. ii. l. 13. c. 24.

About Midsummer the truce being near expired, Edward came with his army to Newcastle, where he was attended by Baliol; and there it was agreed, that while the English monarch invaded Scotland by Carlisle, the Scottish prince should enter it on the other side by Berwick. And on the 6th of July, five days before the land armies moved from the places above-mentioned, the English fleet entered the Firth of Forth. The arrival of the fleet before the army perhaps arose from the prudent precaution of securing the necessary provisions for the latter; the failure of which had often proved fatal to the success of the like expeditions. On the 11th, Baliol marched from Berwick with an army, in which the chief persons were the English barons, on whom he had bestowed lands in Scotland. He had also under his command a body of Welchmen, given him by Edward, who served with great bravery, but were accused of many acts of barbarity. The king of England began his march on the same day from Carlisle. In his progress towards Perth, which was appointed the chief place of rendezvous of the two armies *, successful prædatory excursions were made into all the adjacent country, in which lord Montagu distinguished himself by his activity and spirit; and, as his reward, received from his master new grants of lands and honours. From Perth both princes marched northwards, with their respective armies; Baliol into the country of the earl of Athol, where he besieged, and by taking the advantage of an accidental fire, reduced Cambremouth, a strong fortress belonging to that chieftain. The king of England made a progress into the distant parts of the North, subduing every place he approached, and was but little hurt by the sudden attacks of lurking enemies; against whom experience had taught him to maintain a continual guard. This caution, however, was not equally observed every where; for a body of five hundred archers, and other footmen, seeing no appearance of an enemy, and marching securely homewards, were attacked, and entirely cut off, by the guardian Murray, the earl of March, and Sir William Douglas. The like temerity proved fatal to the earl of Namur, who arriving at Berwick, probably by sea, about three weeks after the Scottish king had set out from thence, did not hesitate with his gallant, though

Holing. Eng. Chron. p. 898.

Ford.

Knighton, 2566.

Leland's Coll. i. 555. Holing. Fordun.

absence, sallied forth, and after having defeated the party left to guard the works, pierced the bank, and gave vent to the river, which instantly rushed forth with such rapidity as to overflow the camp of their enemies, to baffle their scheme, and oblige them to raise the siege with precipitation. Ford. l. 13. c. 20. Buch. l. 9. 18.

* Leland says, The two hosts met on the Clyde. Leland, i. 555.

small

David Brus, K. of Scotland. 1335.

small company, wherein were six or seven knights, and one hundred men at arms, to enter Scotland, apprehending no difficulty in making his way to Perth to join the two kings. But when he had led his forces to the neighbourhood of Edinburgh, he was from an ambush suddenly and most fiercely attacked by the earls of Murray and March. The resistance of the brave foreigners was not less vigorous than the attack of their enemies, and the former were like to prevail, when Sir William Douglas, arriving opportunely with a brave band from Pentland Hills, turned the scale of battle on the side of his countrymen. The foreigners, after great slaughter on both sides, made a noble retreat, towards the rock on which the castle of Edinburgh had stood, that fortress being then in ruins. There they killed their horses, and made a mound of them for their defence; but being beset by their enemies, and in want of all necessaries, they surrendered prisoners of war. The earl of Murray gladly embraced the opportunity of exercising his generosity to the valiant strangers; and, by his kind treatment of the count of Namur, who was the king of France's kinsman, of making a grateful return to that monarch for his kindness and liberality to his master king David, as well as for the regard shewn to himself when lately in France. With the consent of his associates in this successful action, he set the count of Namur and his followers at liberty, without exacting any ransom; and required no other conditions of them, but to return home, and not again to bear arms against king David*. His politeness was so great, that he and Sir William Douglas, to secure them from all danger, escorted them with a force, which they esteemed sufficient, over the English border. The generosity of Murray, on this occasion, cost him very dear. As he and his small party were returning from their escort towards some of their retreats, they were met by a strong body of the enemy; who from the castles on the borders† had been ravaging the lands of some of king David's faithful friends. A fierce conflict immediately ensued, wherein the earl of Murray was taken prisoner by William de Pressen. Sir William Douglas had the good fortune to escape a second captivity in England, but his brother James was slain. The person of the earl of Murray was accounted too valuable a prize to be intrusted to the keeping of a man so inconsiderable as William de Pressen. Edward, having assured Pressen of a proper compensation, took the earl into his own custody; and Murray, after being detained for some time in the strong castle of Bamburgh, was conveyed successively to the castles of Nottingham, Windsor, and other fortresses in the interior parts of England; his place of confinement being often changed, to render plots for his escape more difficult. The mischievous consequences of releasing Sir Andrew Murray, and Sir William Douglas, from their captivity in England, probably rendered Edward more unfavourable to all conditions that were offered to him for the ransom of the earl of Murray, and made his captivity of a very long duration.

Rymer.

* The Engliſhmen that were in the company of the earl of Namur, were detained priſoners, and obliged to pay their ranſoms. Leland's Coll.

† Holingſhed ſays, from the caſtle of Roxburgh.

About

Edward III. K. of England.

1335.

About Lammas, the king of England's brother, John, sirnamed of Eltham, earl of Cornwall, with forces from Yorkshire and Northumberland, and Sir Anthony Lucy, who had, as justiciary, the chief government of the king's territories in Scotland, with the forces of Cumberland and Westmoreland, entered Scotland over the western march; and ravaging in their progress all the parts of the western counties, that belonged to the friends of king David, advanced through Lennox, Menteith, and Strathern, to Perth, where they found the king returned from his victorious progress through the northern parts of Scotland. Thither, about the same time, came five delegates, two of whom were the Moubrais, Sir Alexander and Geffrey, to offer the submission of David de Strathbolgi, the earl of Athol, and of the steward of Scotland, over whom Athol appears, by this transaction, to have maintained the ascendant mentioned above; this ascendant it was the easier for him to preserve, as the steward was at that time sick. The negociation of the delegates above-named, was successful. The kings of England and Scotland granted, by a convention made at Perth the 18th of August, That Athol, with all Scotchmen high and low, who were willing to come to the king of England's peace, should have safety of life and limb, and of their inheritances, offices, and possessions of all kinds in Scotland, as held on the day when Edward Baliol performed his homage at Newcastle; such exceptions only being made as were agreed to by common consent; and that all offences committed by them in England should be pardoned. Those who held lands in England, were also in the same manner to retain them. Some particular stipulations were made with regard to the English possessions of the earl of Athol, who was the chief person concerned in this transaction. That he and his accomplices, however, while intent on securing their private claims and interests, might not appear to forget the general concerns of their country, one of the articles of this convention confirmed the ancient franchises of the Scottish church, with the laws of towns, burghs, and counties, as they were used in the time of Alexander III. The same article declares, That the offices of Scotland should be administered by men of the same nation; but a clause annexed seems to nullify this article; by declaring, that the king, by his prerogative, might advance to such offices men of any country.

Holling. Hift. Scot. p. 899. Walf. Rym. vol. iv. p. 677.

Knighton, 2566. Murimuth. Stowe.

The great object of this convention seems to have been the safety of the earl of Athol; who by his own professions, and the intercessions of his great friends at the English court, had the good fortune to persuade the king, that his accession to the party of David Brus, and all that he had done in consequence of it, was from compulsion and the fear of death; but that he had always been determined, as soon as that danger should be removed, to exert himself for the king's honour and interest: on consideration of which, the king, by a particular deed, posterior to the above convention, ordered full restitution to be made to the earl of all his lands and goods in England; which, upon account of the earl's deserting to David Brus, had been forfeited and seized into the king's hands*.

Rym. vol. iv. p. 664.

* Theſe orders are given to the ſheriffs of Lincolnſhire, Kent, Norfolk, Northumberland, and to the bailiff of the liberty of Werk in Tyndale.

It

David Brus, K of Scotland. 1335.

It doth not appear, that any number of the friends of David took the benefit of this convention. On the contrary maintaining such an union as their abject and distressed circumstances allowed, and encouraged by the countenance and promises of the French king, who also sent them some small aids; they agreed again to obey Sir Andrew Murray of Bothwell, as their guardian, in the room of his cousin the earl of Murray, now a captive in England, and defended themselves the best way they could in their mountains, woods, and morasses, until the return of king Edward with part of his forces into England encouraged them to new exploits. Ford.

That the friends of king David with the connivance and secret aid of the French monarch, had been about this time collecting vessels on the coast of France, for conveying aids of men and arms into Scotland, is evident from various orders of Edward, requiring a sufficient maritime force to be provided, both in England and Acquitaine for repelling any insults or attempts that his enemies might make either on the coasts of Scotland or England. The correspondence, however, betwixt France and Scotland, and the aid sent from the former to the latter, must have been very difficult and unfrequent, when it is considered, that Edward had a powerful fleet on the Frith of Forth, and on the eastern coasts of Scotland, by which Dundee and other places were burnt*; and also a large squadron on the western coasts of that kingdom from Ireland, under the command of Lord D'Arcy; with the forces on board of which, that nobleman ravaged and plundered the isles of Arran and Bute. But to compensate the Scots in some measure for the failure of the expected assistance, the king of France, and the Pope acting in concert with him, sent ambassadors and nuncios to solicit and treat with the king of England in favour of king David, and those who adhered to him †. Rym. vol. iv. p. 651. 656. 658. 659. Rym. ib. 660.

It being evident that the friends of Baliol, after all their successes, could have no quiet or security in Scotland, nor maintain any authority there, without the defence of walls and ditches, Edward caused the fortifications of Perth, to be repaired and strengthened: he also restored from their ruins the castles of Edinburgh and Sterling. In September, he moved from Perth to Edinburgh, and in the following month to Berwick. Whilst there, he appointed William de Pressen the reward promised him for taking the earl of Murray, guardian of Scotland ‡. He also gave a new proof of his extraordinary favour and Holing. Hist. Scot. 236. Rym. ib. 670.

* This fleet robbed the rich monastery of Inchcolm of every thing valuable. They carried off several images, among which was one of St. Columba, held in great veneration; but meeting soon afterwards with a storm, which destroyed many of their ships, they imputed it to the wrath of the saint above mentioned, and presented the church and monastery with a valuable offering of gold and silver. Fordun. Buchan.

† When Edward was at Edinburgh, in his way towards the borders, he granted a safe-conduct to two ambassadors from the French king; and when he came to Berwick, he made the like grant to two apostolic nuncios.

‡ By a deed, dated at Berwick 10th October, Edward grants to William Pressen and his heirs, the village of Eddringtown, the fishing water of Eddermouth, the mills of Berwick and Eddrington, with the grists belonging to them, the whole estimated at 107l. 3s. 7d. *per ann.* in time of peace, for the yearly rent of one hundred and ten merks. The surplus of the value of the premises above the said rent, being fifty merks ten shillings and three-pence yearly, the king

Edward III. K. of England. 1335.

and bounty to William de Montagu, by conferring on him in fee-farm the forests of Selkirk, and Ettrick, with the town and sheriffdom of Selkirk, and all kinds of profits, or rights, and jurisdictions thereto appertaining; for all which he was to pay thirty pounds to the king's exchequer at Berwick. A like grant was made to him, at the same time, of the town and county of Peebles, with all its appurtenances. The king, by these grants added the tie of interest to those of honour and gratitude, to engage Montagu to exert himself in defending a very important part of his new acquired territory in Scotland; for the secure possession of which, the grant of Edward Baliol and his parliament availed king Edward so little.

Rym. ib. 671, 672.

Rym ib. 674, 675.

The king set out from Berwick in the beginning of November. At Alnwick, on the eighth, he agreed to a truce with Sir Andrew Murray and his adherents, for eighteen days; which was afterwards prorogued, at Newcastle, first for a week, and then for a fortnight. During these short truces, the renewal of which was perhaps not made known in due time to king David's friends, an expedition was made into the north by Sir Andrew Murray the guardian, the earl of March, and Sir Willliam Douglas, with eight hundred chosen men under their command, from Lothian and the Mers, for the relief of the castle of Kildrummy. The lady of the guardian was in this castle, and it was besieged by David de Strathbolgi earl of Athol, who is said to have been intrusted with the chief command in Scotland, upon the king of England's retiring to the English march with the king of Scotland in his company. Athol, to shew his gratitude and fidelity to the two kings, and perhaps to gratify private resentments, exercised great cruelties towards the friends of king David; and putting himself at the head of three thousand men, endeavoured to reduce the strong fortress above mentioned. But on hearing the approach of his enemies, he abandoned the siege, and met them in the neighbouring forest of Kilblain, and by brave fighting and superior numbers, would have prevailed against them, had not three hundred men, sallying forth from Kildrummy opportunely, joined their friends, and intimidated their enemies; the consequence of which was the rout of Athol's army, with the slaughter of himself and some of his chief adherents *.

Holing. Hist. Scot. 286. Ford. l. 13. c. 36. Boece. Buchan.

Upon

king gives to the said William Prefſen for his good ſervice, until he puts him in poſſeſſion of land in England to the amount of twenty pounds a year. But as ſoon as William Preſſen receives land of that amount, he is required to pay the whole yearly eſtimation *viz.* 107l. 3s. 7d. for the above-named village, fiſhing-water, and mills.

* Murimuth repreſents Athol while accompanied by a few, as ſurpriſed by a multitude of his foes. Mur. p. 88.

This battle happened on the firſt of December, or, according to Fordun, on the day before during one of the ſhort truces above mentioned. This truce being granted by Edward on the ſixteenth of November at Newcaſtle, the intelligence of it, amidſt the confuſion and deſolation that then prevailed, might not reach the Scottiſh chieftains in ſuch time as to make them chargeable with any breach of it. Perhaps alſo, they did not accept of it or cauſe it to be proclaimed. Ground is given to ſuſpect an omiſſion of this kind, by an order of king Edward's afterwards, about the prorogation of this truce till Chriſtmas; viz. That Anthony de Lucy his juſticiary of Laudonia ſhould proclaim it, upon being firſt advertiſed that the Scots were willing to keep it, and that they had proclaimed it in proper places. Fordun ſays, ſeemingly with a view of clearing the guardian and

David Brus, K. of Scotland.

A. D. 1336.

Upon the earnest solicitations of the ambassadors from the Pope and the French king, Edward granted at Newcastle a further prorogation of the truce to the Scottish guardian and his adherents until Christmas, and afterwards for a month longer until the twenty-fifth of January; and the importunities of these ambassadors also prevailed with him to give a safe-conduct to six persons from Scotland, with a retinue of forty horsemen, to come to Newcastle to treat with the ambassadors about their own affairs, and those of their countrymen; and even that four of these should be, the guardian Murray, William de Keith, Robert de Lowedre *, and William Douglas, than whom none could be more obnoxious to Edward's resentment. It is probable, that the persons mentioned were too much employed, or of too great importance at home, to go into England at this time; but five others, at the head of whom were, Alexander bishop of Aberdeen, and Frere John abbot of Cowpar, came with Edward's leave to the Pope's nuncios at Berwick in the month of January. Thither Edward repaired the latter end of the same month, probably with a view to negociate with the Scottish delegates himself †, to discover the designs of their chieftains and to learn what was transacting in their country. While at Berwick, on the earnest and repeated solicitations of the French and papal ambassadors, he continued the truce until fifteen days after Easter. To this longer prorogation Edward seems also to have been induced to consent, for the sake of preserving some fortresses in Scotland, held by his own forces or those of Baliol, to which the guardian and those of his party had laid siege ‡, and to relieve which it was difficult to carry forces in winter. For it was a condition in the truce last named, that the Scots should abandon without delay the sieges of Cowpar in Fife and Lochindores, and that the keepers of these and other castles and fortresses should have liberty of coming out of the castles, purchasing necessaries, and transacting what business they pleased, without molestation: and that those who were not on the side of David Brus before the thirtieth of December, should not be compelled by art or violence to join his party; nor be disquieted on account of their adherence to Baliol. In the time of this truce of longer duration, and probably, at the instance of the above mentioned envoys from France and Rome, better observed than the preceding

Rym. tom. iv. 676, 677.

Rym. ib. 684.

Ib. 685, 686.

Ib. 686.

and his associates from the charge of truce breaking, that Andrew Murray asked and obtained leave from lord William de Montagu, who was then the king of England's chief counsellor, for himself with his associates March and Douglas, to succour Murray's castle wherein his wife was besieged. He also says, that the three chieftains above mentioned, having *a certain respite or sufferance* from the king of England and his nobles, lurked sometimes in one place, sometimes in another, expecting better fortune. Fordun. l. 13. c 36.

Ad. Murimuth says, that many truces were granted to the Scots, who acted cunningly, but nothing was finally settled; because, while these truces were depending, the Scots slew the earl of Athol. It is remarkable, that no particular mention is made in any of the king of England's subsequent orders with regard to truces, of a former truce being violated by the attack on Athol.

* Lowedre, as was formerly related, had been appointed Edward's justiciary of Laudonia, and had some time before this revolted from him.

† It appears from Rymer, that these delegates carried into Scotland letters from the king and the Pope's nuncios.

‡ Probably, not regarding the short truces which seem to have been granted with much reluctance.

Edward III. K. of England. 1336.

short ones, Sir Andrew Murray convoked an assembly of the Scottish nobility at Dunfermling, and was there unanimously approved as guardian of Scotland. After which, he crossed the mountains to confirm the northern parts in their duty to king David. Before Edward left Berwick, he granted letters of protection for six envoys with a retinue of forty horsemen, coming from David de Brus out of France, to treat with the nuncios and ambassadors so often mentioned. He also gave orders on his exchequer there, for the payment of five merks a day to Baliol his vassal king *to assist him in his daily expences* *. Several orders of a like nature given in the course of this winter, prove the indigent and dependent situation of Baliol, notwithstanding the prosperous and splendid campaign of the preceding summer, made by Edward for his defence and support †. Baliol was universally hated by the Scots, as the tool of Edward's ambition and avarice, in yielding up to that monarch the independency of their crown, and transferring to him the finest provinces of their kingdom. It also appears, that he was contemned and maltreated by the servants of the English king, who had seized his patrimonial estates that lay in the territories ceded by him to that monarch, in the possession of which, upon his supplication to Edward, he was about this time ordered to be reinstated ‡.

Ford, l. 13. c. 36. Rym. tom. iv. 685. Ib. 681.

Edward returned to the south in February, and held a parliament in London in the time of Lent, which William Bullock, entitled the king's beloved clerk, and other messengers from Scotland, attended by his command. The design of their attendance was probably to lay before the parliament the state of affairs in Scotland. About the time of this meeting of parliament, a new prorogation of the truce with the Scots was granted on the same intercession as before, until Sunday next preceding Ascension May 5th, and on the same conditions with respect to the castles and sieges above mentioned, as in the former §. On account of the infinite expence of the Scottish war, which had greatly exhauste dhis treausury, Edward asked and obtained a supply from his clergy. Those of the province of Canterbury granted him a tenth of their ecclesiastical goods. The king having received certain intelligence of

Rym. tom. iv. 690, 691, 694. March 18. Rym. ib. 689.

* *In subventionem expensarum:*

† The king of England had lent Baliol 300*l.* for answering present demands, of which 100*l.* was paid at Berwick. (Rym. tom. iv. p. 674.) Robert Tonge, the receiver of the king's victuals there, was ordered to deliver as a present to Baliol ten casks of flower, and six of wine. (Ib. 683.) Probably to help him to keep his Christmas.

‡ Edward ordered Thomas de Burgh, his chamberlain of Berwick, to remove his (Edward's) hand from these estates, and to suffer Baliol himself to collect the rents and profits of them. Rymer, tom. iv. p. 681. These estates of the inheritance of Baliol are mentioned as lying in Lowerdale, and elsewhere, in the king's counties of Berwick, Roxburgh, Edinburgh, and Dumfries.

§ When this prorogation of the truce was about to expire, the king gave orders to Henry earl of Lancaster, who, as we are just about to relate, was sent with the chief command into Scotland, and to three of the principal men who accompanied him, the earl of Warwick, the earl of Buchan, (the lord Henry Beaumont so entitled) and William de Bohun, to *treat* with Sir Andrew Murray, or other Scotchmen, who were not in the faith of the king, about a truce to continue until Midsummer, and to grant and confirm such a truce in the king's name. Rym. tom. iv. p. 699.

Whether a truce was concluded in consequence of these powers, no where appears. It is not improbable that such a treaty took place, as Edward did not come in person into Scotland till after Midsummer.

the

the preparations of the Scots to recommence hostilities with the aid of foreigners, but not chusing to go in person to Scotland until the expiration of the truce, sent a great body of forces thither for the support of his vassal and defence of his own territory. He appointed his cousin, Henry earl of Lancaster, leader of these forces, consisting of some of his nobles and men at arms, together with a great number of hobelars, archers, and footmen. The commission given to Lancaster conferred on him all the powers of a captain-general: and in particular, Anthony Lucy, justiciary of Laudonia, and of Edward's other lands in Scotland, who had received the military command, not only over that country, but also in Northumberland; and William de Bohun, who had the like command in Cumberland; were required to render him their obedience and attendance. He had also powers to receive to the king's faith and peace, such of the rebellious Scots, and their adherents, as were willing, and as he judged fit, to partake of that privilege. Sums of money were ordered to be paid out of the treasury, to Lancaster, to the king of Scotland, and sundry nobles and barons who were to go on this expedition. as pay to themselves, and the men at arms in the company of each *.

David Brus, K. of Scotland. 1336.

Rym. ib. 695, 696.

Ib. 694.

Immediately after the expiration of the truce, the Scots, with some French auxiliaries, and probably by the encouragement of an envoy from France, who came over to them about this time, returned to the seats of war. They took the castles of Bothwell and St Andrews, and afterwards laid siege to that of Stirling. The principal men in these exploits were, the earl of March, Sir William Douglas, and Sir William Keith. The guardian was, probably, in his own country, in the north, employed in the siege of Lochindores. And although the king of England had appointed a great council of his prelates and nobles to meet at Northampton, on the day after Midsummer, to advise about his affairs with the French and Scots, he thought his presence so necessary in Scotland, that leaving his brother the earl of Cornwall, with his chancellor and treasurer, to hold that council, he hastened to the north, and with but a few men at arms in his company, came to the head-quarters of his army at Perth, in the end of June, or beginning of July.

Rym. vol. iv. p. 699.

Walsing. ap. Tyrell, vol. iii. p. 390.

Ib. 701.

The vigour that the presence of Edward gave to his army and all its operations, soon made the Scots abandon the siege of Stirling, and their other enterprises. The countess of Athol, being closely besieged by the guardian in the castle of Lochindores, implored Edward's aid; in compliance with her request he marched with great expedition, and having raised the siege and reinforced that fortress, he brought off the countess† and her female attendants.

Walsing. ap. Tyrell, vol. iii. p. 390.

Ford. vol. ii. l. 13. c. 37, 38.

Edward,

* The whole sum ordered to be paid out of the exchequer (24th March) to sundries for service of themselves and followers in the war against Scotland, was 1086*l.* 13*s.* 4*d.* The first in this list is Edward Baliol, who is ordered 100*l.* There is also an order of the same date to pay to the above-named king 55*l.* in remainder of 200*l.* formerly granted him to discharge his debts in the northern parts: 400 merks is ordered to be paid to the earl of Lancaster; 200 to the earl of Warwick; 100*l.* to Gilbert Umfreville earl of Angus; 200 merks to Henry Beaumont earl of Buchan; 200 merks to Henry de Percy, and Ralph de Neville: sums are also ordered to several others.

† Lady Catherine Beaumont, daughter, as is above related, to lord Henry Beaumont earl of Buchan. Her father was one of the principal officers in this expedition. Fordun says, he committed

Edward III. K. of England. 1336.

Edward, in his return, burnt the guardian's country of Murray; but spared the convent at Elgin, and its beautiful church: he laid the city of Aberdeen in ashes; and fortified and garrisoned the castles of Dunnoter, Kynef, and Laurenston. When he came back to Perth, he made great additions to its fortifications, the expence of which he obliged six of the neighbouring monasteries to defray *. He also either rebuilt or repaired and strengthened the castles of St Andrews, Leuchars, Stirling, Edinburgh, and Roxburgh, appointing certain of his captains to direct the execution of these works †.

Rym. vol. iv. p. 703, 704, 705, 706.

By the advice of the council held at Northampton, Edward had sent to the king of France a solemn embassy, whereof the chief persons were, the bishops of Durham and Winchester, to treat about a croisade, which, under the direction of Pope Benedict, had been long in agitation; and to negociate also in regard to all subjects of strife between him and his brother monarch. The same ambassadors had likewise powers to enter into conferences with David Brus, for a truce or a definitive treaty. The king of France, more openly than ever before, expressed his resolutions to these ambassadors to favour the Scots, and to aid them to the utmost of his power. Edward receiving information of this, and being also assured that the king of France was collecting ships and gallies in different parts of the continent, and levying men at arms, with the view as well of invading England, as of sending succours to the Scots, convoked a general council of his prelates and great men, to meet at Nottingham, to give him their advice in the present critical conjuncture. He also sent orders to his subjects in Aquitaine, to send their ships of war against the naval force which Philip was preparing in several parts of the coast of Normandy to assist Scotland.

Rym. ib. 708. Tyrell, vol. iii. p. 392.

Edward, leaving Scotland in September, was present in his parliament at Nottingham in the end of that month; where, for support of the war in Scotland and Gascony, a twentieth was granted from landed men, a fifteenth from burghs, and a sixth from the clergy. A tax was also imposed on exported wool of forty shillings a sack from England, and £3 from foreign merchants. In the beginning of November the king returned to Scotland; where the guardian, with his usual eagerness of courage and resentment, seizing the opportunity of Edward's absence, had retaken and demolished the three fortresses of Dunnoter, Kynef, and Laurenston, which Edward in the summer had erected in the north. The guardian continued all the winter, from a forest in the neighbourhood of Angus, to distress the English by incursions and sudden attacks. The peace and subjection of the country on the western side, was probably in great measure secured by a convention made at Perth, between Edward Baliol and John of the Isles, and

Rym. ib. 716. Ford. vol. ii. l. 13. c. 39.

Sept. 12. Rym. ib. 711.

mitted many acts of cruelty during the course of it; that to revenge the death of his son-in-law the earl of Athol, he put to death by torture all he could meet with who were in the battle of Kilblain, in which Athol was killed.

* Dunfermling, St Andrews, Lindores, Balmerino, Arbroath, and Cowpar, in Angus.

† The lord Henry Beaumont, and Henry Ferrers, had the charge of rebuilding the fortresses of St Andrews and Leuchars, the lord Montagu of Stirling, of which Thomas Rokesby was made keeper; the castle of Edinburgh was the charge of John de Sterling, and Roxburgh of William de Felton. Fordun.

confirmed

confirmed by the king of England during his short stay in his own kingdom. But still the state of Scotland was so unquiet and unsafe, that Edward found it necessary to remain there until after the middle of December. David Brus, K. of Scotland. 1336.

Edward was informed, while in Scotland, of violent and open hostilities committed by the ships that had been collected and fitted out by the friends of king David, through the connivance and aid of the king of France. These had not only taken some English ships in the open sea, but had seized some vessels anchoring on the coasts of the Isle of Wight; and had also burnt and plundered the Isles of Guernsey and Jersey. In order to concert proper measures for defending his kingdom against such outrages, the king, while at Bothwell, ordained a convention of his great men to meet at London, on the first day of the following year. And for the safety of trading vessels when his enemies were so powerful at sea, he laid an embargo on all the merchant ships in England. But this prohibition extended not to such ships as carried necessary provisions or warlike stores for the use of the king's army in Scotland, which they were allowed to land at Berwick, and at Perth, Stirling, and other parts of that kingdom. Rym. ib. 721, 722, 723.

The lord Montagu and earl of Arundel, whom the king left in Scotland with the chief command of his forces, did not abandon to their enemies all the glory and success of military enterprises in winter. The castle of Dunbar was a sore nuisance in the Scottish territory that belonged to the English king. The excursions of the garrison could not but much annoy the adjacent fruitful coast, and render unsafe the public road betwixt Berwick and Edinburgh. Its port also, under the shelter of the castle, afforded a convenient and safe reception for the aids and supplies from France, and other places of the continent. Hence the reduction of it became of greater moment, on the almost certain prospect of an approaching French war. The lord Montagu, accompanied with several English grandees, began the siege, or blockade, in January. The place was very strong: but the lord of it, chusing the field as a nobler scene for the feats of war, intrusted his castle to the keeping of his lady. She was a daughter of the celebrated Thomas Randolph earl of Murray, and sister to the earl who had fallen at Duplin, and of his successor the present earl, who was at this time a prisoner in England *. These circumstances strongly inspired resentment against the English; which were in this heroine accompanied with such vigilance and prowess, as no art could surprise, or danger dismay; sometimes from the battlements of her castle she addressed the assailants with biting taunts and scoffs; and to shew her contempt of the machines they employed to beat down the walls, when the stones or leaden balls thrown from them made the towers to shake, she sent one of her maids, splendidly drest, to wipe off with a clean white handkerchief the marks of the stroke. She also expressed the like contempt of their machine called a Sow, as was done nineteen years before by the defenders of Berwick, and was equally successful in accomplishing her menaces of destroying it. A. D. 1337, Ford. l. 13. c. 40.

* She was called, in the homely phrase of the times, Black Agnes of Dunbar.

While

Edward III. K. of England. 1337.

While the countess of March thus gallantly defended earl Patrick's* strong house, he himself was employed along with the guardian, Sir William Douglas, and other loyal nobles of king David, in reducing the fortresses on the other side of Forth. After defeating a great body of Englishmen, in a battle at Panmure, they took and destroyed the castles of St Andrews and Leuchars, and the tower of Falkland; but the castle of Cowpar, by the great vigour of William Bullock, resisted all their efforts. In March they besieged the castle of Bothwell, which they also reduced: and it is probable that their successes in these sieges were in great part owing to the machines and engineers sent over to them from France †.

Ford. vol. ii. l. 9. c. 39. Holing. 237.

Ford. vol. ii. l. 9. c. 41.

In the progress of the siege of Dunbar, the arts of forcible and open assault not availing, lord Montagu, who was about this time created earl of Salisbury, attempted to make his way into the fortress, by bribing the porter to open the gate for the entrance of himself and his followers, at a time agreed upon. The porter making a discovery of the plot to his companions of the garrison, it became a snare for Salisbury in which he was nearly caught; for, as he was rushing in at the open gate, and must have been taken prisoner, he was forced back by John de Copland, a faithful squire in his train, who, in rescuing his lord from captivity, was made a prisoner himself. The countess being at hand, waiting the event, derided the earl on his narrow escape. (She cried to him, Adieu Monsenzour Montagu.) But that which could not be effected by force or art, was nearly brought to pass by extreme scarcity of provisions; for care had been taken to block up the harbour by a sufficient number of ships, among which were two large Genoese gallies. Yet the vigilance of these vessels was eluded by the extraordinary courage of Sir Alexander Ramsay, who putting on board a light vessel a supply of provisions and warlike stores, sailed from the neighbouring island of Bass, and passing unobserved in the dead of night through the line of the enemy's ships, entered the harbour in safety, and carried a timely relief to the garrison. On the next day he himself, with the companions of his brave exploit, made a sally upon the besiegers, equally brisk and unexpected, in which they did no small execution, by killing and wounding some, and taking others of their enemies prisoners. And on the following night, Ramsay completed the glory and success of his achievement, by passing out from the castle in the same way and with the same safety wherewith he had entered it.

Buchan. l. 9. c. 24.

Two bodies of English troops attempting to advance into Scotland at this time, to the aid of their forces in that kingdom, are related by the Scottish writers to have been vanquished by their countrymen. The leader of one of these bands was Richard Montfort, who was encountered by Laurence Preston and Robert Gordon, at the head of a smaller number. The first of these valiant leaders fell in the conflict, but his men prevailed; and taking many of the English prisoners, put them all to death, in resentment of the fall of

Fordun. Boece.

* Often so called in records and histories of these times.

† Fordun says, that the governor prevailed in the siege of the fortresses mentioned, by the dread and force of a certain engine called *Bouſtour*. Ford.

their

their captain. The lord William Keith of Galston attacked the lord Richard Talbot at the head of the other numerous body of Englishmen. These, with their leader, were driven to seek shelter in an island in a lake; but were all made prisoners, and Talbot was obliged to pay 2000*l.* for his ransom. These unfortunate expeditions were probably made under the direction of the earl of Warwick, who in the spring was appointed to command the forces going into Scotland.

David Brus, K. of Scotland. 1337. Rym. vol. iv. p. 741.

Edward was, in the middle of summer, in the north of England for some weeks: of these he spent a few days at Berwick; and it was probably by his orders, while there, that the earl of Salisbury raised the siege of Dunbar. Hostilities had been committed in Aquitaine, which brought very near to a crisis the disputes between England and France. King Edward, while at Berwick, gave orders for an embarkation of forces at Portsmouth for defending his French dominions; and this situation of affairs made him greatly need the presence and advice of so able and faithful a counsellor as the earl of Salisbury. It was perhaps owing to the necessity of the northern barons remaining at home to defend their country and possessions, that the king did, twice in the course of this year, appoint assemblies of them to be held at York, and once at Newcastle, to receive information from certain great men, he nominated his commissioners for this effect, of the resolutions of his parliament or council, and his own intentions with respect to the present state of his kingdom. The same commissioners were also charged to treat and agree with the chief men of the country, men at arms, and others, about marching in his service towards Scotland and the borders, about their countinuance in that service, and the wages to be paid them while engaged in it; as also concerning the secure keeping of the king's towns and places in those parts, and erecting fortifications for their security.

Ib. 741, 762, 772, 817.

The failure of the English in the siege of Dunbar encouraged Sir Andrew Murray, the guardian, to besiege the castle of Stirling; but he was not able to take it, and in the course of the siege Sir William Keith lost his life *. An English writer of good credit relates, That the king of England came in person into Scotland to raise this siege; and having supplied the garrison with provisions and fresh soldiers, carried the wounded, sick, and weak with him into England †. The guardian afterwards besieged the castle of Edinburgh; but the power of the English, and treachery of some Scots, obliged him to quit his design. During this siege Laudonia submitted to him, and Laurence Preston was made the sheriff of it; who making some brave efforts to maintain his power against the English, the country was laid waste in the strife.

Ford. l. 13. c. 41. Heming. vol. ii. p. 279, 280. Ford. ib.

The successes of the Scots during this campaign, were considerably balanced by the loss of two ships, which had on board the bishop of Glasgow, and several young men of noble Scottish families, together with auxiliary Frenchmen, and a considerable sum of money sent over by the king of France to his

Hem. ii. 280.

* He was slain, says Fordun, by his own lance, no less unhappily than surprisingly.

† According to the same author, the Scots, having thrice entered England, spoiled and burned many places in it. These inroads were made over the western march. See more particulars in Leland's Coll. ii. 556.

faithful

Edward III. K. of England. 1337.

faithful allies. These ships were taken by an English fleet, which had been sent over to Flanders, for conveying home the English ambassadors, who were employed this summer in negociating alliances with the princes of Germany and the Low Counties, to assist Edward in his intended war with France. The Scots made a brave defence, and many were slain in the engagement. The bishop of Glasgow was wounded, and died soon after he was brought on the English shore.

A. D. 1338.

In the summer of the following year, Edward, who had now publicly avowed his claim to the French monarchy, and made formidable preparations to support it, passed over to Flanders with a great fleet and army, and returned not to England until the beginning of 1340. Much time and money were consumed in settling matters with his numerous allies; and when he had at last taken the field with a great army, and entered his enemy's country, the French monarch prudently declined to risk the fate of his kingdom in a general engagement. Edward left with the earl of Arundel the command of his army against the Scots, and appointed Richard de Umfranville, earl of Angus, to act as his deputy; but the war in Scotland, during this interval, was very feebly supported by these generals, on the part of Baliol and the English; and the friends of David Brus made great advances towards a total reduction of the kingdom, notwithstanding the heavy loss they had sustained by the death of one of the guardians, the brave Sir Andrew Murray of Bothwell. After Murray's death, the lord Robert Stewart continued sole guardian of the kingdom until the return of his uncle. He was nobly seconded in his military operations by Sir William Douglas, who expelled the English from Tiviotdale, and was rewarded with the government of that country. During this campaign, Douglas encountered many difficulties, and received several wounds. Sir Thomas Berkeley, a brave English commander, came upon him by surprise at Blackburn; and after a sharp and obstinate struggle, cut off his whole party, excepting himself and two others, who had the good fortune to escape along with him. Soon after this, Douglas, with a much inferior number, defeated Sir John Stirling at the head of a party of five hundred; thirty of whom he killed, and took forty prisoners. Encouraged by this success, he attacked and routed, near Melrose, a convoy with provisions for the strong castle of hermitage, and afterwards reduced that castle, and furnished it with the stores he had taken from his enemies. About this time also he encountered and overcame a large detachment of English under Sir Laurence Vaux; and he had the good fortune, notwithstanding he had been five times repulsed and put to flight in one day, by Sir William Abernethy, a commander of Baliol's, to put his party at last to a total rout, and to make Abernethy himself a prisoner. After these exploits, towards the end of the year, Douglas went over to France to solicit assistance from thence, and to inform king David of the state of his affairs in Scotland.

Rym. vol. v. p. 30. Fordun. Boece. Buchan. Holing.

A. D. 1339. Ford. l. 13. c. 45. Boece. Buchan. Holing.

In the beginning of the following year, the lord high steward laid siege to Perth; which Edward, as is above related, had fortified with great care, and provided with a strong garrison. The English defended it with such vigour, for the space of ten weeks, that the steward, despairing to take it, was about

to

to raise the siege; when Sir William Douglas arriving from France with five ships, carrying a large supply of men, arms, and military stores, he was determined by this critical reinforcement to persist in his attempt, and render himself master of the place. The guardian dispatched Douglas soon after his arrival, in an embassy to William Bullock, who had the command of the castle of Cowper, and was also chamberlain of Scotland under Baliol, and paymaster of the English forces and their adherents in that kingdom. Douglas prevailed with Bullock, in consideration of the grant of a large estate in Scotland to be secured to him by the steward, to yield up the castle of Cowpar, to desert Edward Baliol, and to swear fealty to king David. Douglas returned to the siege of Perth, accompanied by Bullock, and the latter, by his great military skill, was of infinite service to the guardian in the reduction of that place; which, after a noble defence of four months, was surrendered by the English governor, Sir Thomas Ughtred, upon condition of safety of lives and possessions to the garrison. Baliol, intimidated with the success of his enemies, left Galloway, where he for the most part resided, and fled for refuge into England. His interest in Scotland was now almost totally annihilated; and of all Edward's conquests in that country, nothing now remained but the castles of Stirling, Edinburgh, Roxburgh, and some inconsiderable fortresses. The endeavours of the English generals, Arundel and Angus, to support the sinking affairs of their master in Scotland, seem to have been partly defeated by a cruel famine, owing to the successive devastations of the more fruitful parts of the country; and which for the three last years was even more calamitous than the war that raged in it.

David Brus, K. of Scotland. 1339.

In the parliament held by Edward in the spring 1340, although his principal object was to make provision, for carrying on with vigour his war against the French king, yet the support of the war in Scotland was not neglected. Several of the most considerable English nobles undertook to raise men, and to serve in person against the Scots. In particular, Gilbert Umfranville earl of Angus, the lord Henry Percy, Ralph lord Neville, the lord Anthony Lucy of Cockermouth, and the lord John Segrave, undertook in conjuction to set forth at their own costs two hundred and ten men at arms, and two hundred and twenty archers. The lord John Moubrai was intrusted with the government of Berwick, having engaged by indenture, to remain there for a year, with a garrison of one hundred and twenty men at arms, one hundred halberdiers, and two hundred archers; of which number he was to maintain, at his own expence, sixty men at arms, ten of whom should be knights, twenty halberdiers, and sixty archers. The governor of Roxburgh castle, lord William Felton, was appointed to have thirty-six men at arms, and forty halberdiers, for the defence of that fortress; and he was also intrusted with the command of sixty men at arms, fifty halberdiers, and as many archers, to accompany the lords who were charged with the defence of the marches. Sir Thomas Rokesby undertook for a certain number of soldiers in time of peace, and for a greater number in time of war, for the defence of the castles of Edinburgh and Stirling; and five of the northern barons * agreed to furnish five hundred

A. D. 1340. Barnes, p. 180, from a MSS.

* Theſe lords were, the lord William Roos of Hamlake, Ralph lord Bulmer, the lord John Willoughby of Ereſby, the lord Henry Fitz-Hugh, and the lord Adam Welles.

Edward III. K. of England: 1340.

and fifty men for the wars with the Scots. King Edward Baliol was reduced so low, that he only engaged to furnish twenty men at arms *. Orders were issued, that no victuals should be carried by sea from England into Scotland; and a commission was given to the earl of Angus, the lords Percy and Neville, or any two of them, to levy and array the men of Yorkshire, Nottingham, Derby, and Northumberland, to receive any person to the king's peace and pardon and to grant a truce. A commission of the like nature was also given to the lord Wake, the lord Anthony Lucy, and Sir Pierce Tilliol, probably for Cumberland and the west marches †. But notwithstanding all these preparations, the Scots had another very prosperous campaign. The castle of Edinburgh was surprised by the following stratagem, contrived by William Bullock, and executed by Sir William Douglas, and Sir Simon Fraser. They directed one Walter Curry to counterfeit himself an English merchant, and to offer to the captain of the castle wines and other necessaries to sell for the use of the garrison. The captain agreed with Curry for a certain quantity of wine and sea biscuit, and promised him admission to the castle at any time. Curry, pretending to be afraid of the Scots intercepting his goods, begged to be admitted very early next morning. That night Douglas gave orders to a body of his men, to conceal themselves in the ruins of some houses adjacent to the castle, and not to stir till the signal agreed upon was given. About day-break next morning, he with Sir Simon Fraser, and a few of the most resolute of his followers, disgusing themselves with sailors habits over their armour, went with the provisions to the castle; they were immediately admitted along with the carriages into the outer court; when Douglas, instantly killing the porter, and seizing the keys, opened the inner gate of the fortress, which he ordered to be immediately barricaded with the carts and waggons, lest it should be shut before the arrival of his men, who lay in ambush. To these he now gave the signal by the sound of a horn: they flew in a moment to his assistance; and falling suddenly upon the garrison, put them all to the sword, excepting the governor, Sir Richard Limesi, and six English gentlemen, whom they made prisoners, and took possession of the fortress. The Scots also, during the course of this year, made several successful incursions, in separate bodies, into the northern counties of England, carrying their ravages and devastations as far as Durham; in which Sir Alexander Ramsay particularly distinguished himself: from these expeditions they returned in safety, bearing home with them much spoil. A party, however, Holingshed relates, under the command of the earls of March and Sutherland, were attacked by the lord Thomas Grey of Werke, Sir Robert Manners, and John Copeland, a valiant esquire of Northumberland, and were entirely routed. But a truce, concluded betwixt the kings of England and France, in the neighbourhood of Tournay, wherein the Scots, as allies of France, were comprehended, put an end to these hostilities.

Ford. vol. ii. l. 13. c. 47. Buchan. l. 9. c. 28.

Holing. Hift. Scot. p. 238.

* Barnes, upon the authority of his manuscript, relates, That Baliol was so poor, that king Edward was fain to grant him towards the maintenance of his estate, together with the manor of Hexlisham, 300*l. per ann.* out of the diocese of York, which was then vacant.

† Barnes is here very indistinct: his words are, the like commission to be made to the lord Wake, the lord Anthony Lucy, and Sir Pierce Tilliol, whereof the said Anthony to be one of the west marches.

This

This truce commenced the 25th of September 1340, and was to last until the Midsummer following.

David Brus. K. of Scotland.

In the year following, the dispute that arose about the succession of the duke of Britanny, gave a new beginning to the war between Philip and Edward; and the Scots, on the expiration of the late truce, immediately laid siege to the castle of Stirling. In order to save so important a place, an army was sent northwards, under the command of Baliol, and afterwards a reinforcement under the earl of Derby; but these forces appear not to have been sufficient to cope with the strength which the Scots had at that time in the field. For towards the end of autumn, Edward came himself to Berwick, at the head of an army of forty thousand foot, and six thousand horse. But he was too late; for he there received intelligence of the loss of Stirling, which Sir William Douglas, justly apprehending the efforts that would be made for its relief, had pressed by such vigorous and unremitted assaults, that the garrison were obliged to capitulate, on condition of marching out with safety of life and limb. Edward expected the arrival of a fleet at Berwick with provisions for his army, which the desolated country on the borders was by no means able to subsist. But contrary winds, and a course of tempestuous weather, disappointed him; so that he was obliged to return to Newcastle, where, after he had waited a month, his ships that had escaped the fury of the storms arrived in a very shattered state. The Scots, not sufficiently apprised of Edward's distress, and unwilling to run the hazard of encountering numbers so much superior to their own, are said to have taken refuge in Jedburgh-forest, esteemed at that time the securest retreat in the neighbourhood of the eastern border. From thence they sent a bishop and an abbot to Edward at Newcastle to solicit a truce, and obtained one for six months, on condition, that if within that period king David did not return from France, to assert in person his right to the crown, they should no longer contend for him, but immediately transfer their allegiance to the English monarch. In consequence of this truce *, Edward

A. D. 1341. Rym. vol. v. p. 205, 206. Boece. Buchan: Froiſſard, c. 74. Rym. ib. 271. 285.

Froiſſard, l. 1. c. 74.

Knighton, p. 2580.

* A truce undoubtedly took place at this time betwixt Edward and the Scots. It appears from the date of a paper in Rymer, that Edward was at Melroſe on the twenty-ſeventh, and the Engliſh hiſtorians agree, that he kept his Chriſtmas there. But it reſts entirely upon the credit of Froiſſard, that this truce was brought about in the manner related in the text. That the Scots promiſed to transfer their allegiance from king David Brus to Edward, ſeems improbable in itſelf; and no authority for it is to be found in the records, nor in the hiſtories written near the times. We may very well ſuppoſe, from the ſituation of his affairs, that Edward would be far from being unwilling to grant the Scots a truce. There is ſome preſumption that this truce expired, or was about to expire in March. For in Rymer, (tom. v. p. 303,) we have a ſafe-conduct, dated Weſtminſter, 24th March 1342, granted to Adam biſhop of Brechin, Patrick earl of March, William Douglas, Thomas Carnot, knights, and William Bullock, with three hundred attendants, to come to any place in England, or any place in Scotland ſubject to the king's power, to treat with Edward or his deputies, of a final peace or truce. In conſequence of this liberty granted by Edward, the perſons above-mentioned probably repaired to Berwick; for we find in Rymer, (tom. v. p. 306.) powers given to the biſhop of Durham, Henry of Lancaſter, earl of Derby, and others, dated 3d April, to treat in the king's name with David Brus, and his adherents of a final peace of a truce. What was determined in conſequence of this meeting is no where related.

Is not the ſafe-conduct granted to the perſons above-mentioned to ſolicit a peace or truce, a ſufficient refutation of what is related by Froiſſard? for if the Scots had agreed with Edward in December, to deliver themſelves up to him, if king David did not arrive from France in ſix months, why ſhould they engage in a new negociation with him in March.

Edward III. K. of England. 1341.

came from Newcastle to the abbey of Melrose, and there kept his Christmas. His lieutenant-general the earl of Derby, celebrated the same festival in the castle of Roxburgh; and during his residence there, was visited by Sir William Douglas and three other Scottish knights. The spirit of chivalry, predominant in that age, ensured them of a welcome reception; and they were entertained with the martial sport of jousting with Derby and the knights of his train. The king came down from Melrose to keep his Easter at Berwick. He there held a tournament, wherein twelve Scottish knights entered the lists with as many English. These sports were often bloody, and they could scarce fail of growing too serious, where the antagonists were of nations inflamed by such violent mutual animosity. At this tournament, two of the Scottish knights were killed; and on the side of the English, Sir John Twyford, a knight of the earl of Derby.

A. D. 1342. Ford. vol. ii. l. 13. c. 49. Rym. vol. v. p. 214.

On the second of June, in the following year, David Brus king of Scotland and his queen arrived from France at Innerbervy in Merns. The earl of Murray, who had been long a captive in England, having been exchanged, with the earl of Salisbury, whom the French had made prisoner in their wars with the English, immediately on regaining his freedom, passed over to France, and thence accompanied David to his native country. Before the king's return, the English had been driven out of every part of Scotland except Berwick; for Sir Alexander Ramsay had recovered the castle of Roxburgh, either in the former year, or beginning of the present. But David's resentment of his own grievous treatment, joined to the bitter complaints made by his subjects of their sufferings from the English, prompted him to engage without delay in the work of seeking revenge, and obtaining reprisals for past losses and injuries. His subjects fondly flocking around his standard, he set out from Perth at the head of a numerous army *; and entering England by the eastern border, wasted and spoiled, far and wide, the counties of Northumberland and Durham. He laid siege to Newcastle, which was defended with such vigour, by Sir John Neville, that he was soon obliged to retire from it. He marched from thence to Durham, which city he besieged and took; and there gave a full vent to his revenge against the English, sparing neither sex nor age, priests nor sacred edifices. The king of England seems not to have expected, or not to have had timely information of this attack of king David upon his dominions; for there was no force near the march able to resist this sudden and formidable invasion †. As the Scottish army was returning homewards with great loads of plunder, they passed in sight of the castle of Wark, This fortress belonged at that time to the earl of Salisbury; his countess resided in it, and his brother Sir William Montagu was its governor. The indignation of the garrison being excited at seeing the spoils of their country carrying off with impunity, a part of it consisting of forty horse,

Froiffard, l. 1. c. 75, 76, 77.

* Froiffard relates, That king David's army conſiſted of ſixty thouſand foot, and three thouſand horſe. An incredible number for ſo deſolated a country ſo ſuddenly to raiſe.

† There is in Rymer, vol. v. p. 336, a commiſſion, appointing Edward Baliol general of the king's army on the Scottiſh frontiers, and empowering him to arrray all the militia beyond the Trent; which it would ſeem was not put into execution.

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David Brus, K. of Scotland. 1342.

with the governor at their head sallied suddenly forth, and attacking the rear of the Scottish army, killed two hundred of them, and carried one hundred and sixty horses laden with booty into the castle. The young king, provoked at this insult, immediately led up his army against the castle, and attempted to force it by a general assault. But so vigorous a resistance was made by the garrison, animated by the courage and liberality of the countess, that the assailants were every where repulsed with great loss. The Scottish king, however, discovering a determined resolution to reduce the place, by preparing to fill up the ditch, and to batter the walls with engines, there appeared no other hopes of safety, but in conveying intelligence of their dangerous situation to the English monarch, who by this time was known to be approaching at the head of a great army. The castle being closely invested by the Scots, no one in the garrison would undertake this service, though encouraged to it by the most tempting offers of rewards. At last the governor himself, mounted upon a fleet horse, and favoured by the gloom and noise of a stormy night, achieved the dangerous enterprise. Hereupon Edward approached with redoubled speed, and the Scottish chieftains unwilling to risk the loss of their booty, and at the same time sensible what an incumbrance it would be in an engagement, persuaded the monarch to abandon the siege of the castle, and continue his march into his own kingdom. He yielded to their opinion with reluctance, and had left Wark only six hours before the English army came in sight of it. The joy and gratitude discovered by the countess of Salisbury * in her reception and entertainment of the king, on this interesting occasion, are said to have given the beginning to that amour, to which the institution of the famous order of the garter did a few years after owe its original. The Scottish king retired with his army to the forest of Jedburgh. The king of England pursued, and encamped at the distance of a few miles from it. Some days were spent in skirmishes of small parties from the neighbouring armies. But it being impossible to attack the Scots in their present situation, and the prosecution of his designs against France, being still the chief object of Edward's attention, he concluded a truce with David for two years †. The king of Scotland,

* Joan Plantagenet, ſiſter to John earl of Kent, and daughter of Edmund earl of Kent, the king's uncle.

† The account of king David's expedition into the North of England, as above related, reſts originally upon the credit of Froiſſard; but as it is adopted by moſt of the Engliſh hiſtorians, it is for that reaſon inſerted into the text. The truth of many circumſtances in it may be juſtly queſtioned. The taking of Durham, and the cruelty and ſacrilege David commited there, muſt be a miſtake; for as Tyrell obſerves, there is no mention of any thing like it, either in the Scottiſh or Engliſh hiſtorians, in manuſcript or in print. That David, in his return, might beſiege Wark, provoked by the attack made on the rear of his army, is not improbable; but that king Edward marched to its relief, is far from being certain. We have an account, in the records publiſhed by Rymer, of Edward's motions from June till the 4th of October, when he embarked at Sandwich for France, and they make no mention of his advancing farther northwards than Leeds. Where then ſhall we place his expedition to the borders, in which he muſt have conſumed a good deal of time? It is juſt poſſible, from the vacancies of ſome days in the records, that he might have made a forced march with part of his army, and relieved Wark, but he muſt have returned ſouthwards immediately. That Edward did not deſign to march to the north, and command his army againſt the Scots, appears from an order to the archbiſhops, dated 20th Auguſt, for public prayers; in which the king

Edward III. K. of England. 1342.

Froiſſard, l. 1. c. 79.

Scotland, informed by his nobles how much need there was of a respite, in order to resume the long neglected work of the plough, agreed to this truce, but on the express condition that the king of France should approve of it; so close an alliance had he entered into with that monarch, which, however detrimental in many cases to the true interests of Scotland, would scarce be blamed in a young prince, whose personal obligations to the French king, for refuge and protection, were so recent and strong.

A. D. 1343.

Rym. tom. v. 357.

Ford. vol. ii. l. 13. c. 50. Buchan, l. 9. c. 31.

Edward being reduced to straits in the following winter in an expedition into Britanny, found himself obliged to consent to a truce for three years with France, in which Scotland being as usual included, the late agreement with David was thereby confirmed and its term prolonged. This truce however appears on all sides to have been ill observed. The animosity of the contending nations was very highly inflamed; and it was impossible for the sovereigns of those times, to restrain their fierce and powerful nobles from excesses that both disturbed domestic peace, and involved them in quarrels with their neighbours. The period of which we are now writing, affords us, in an event that happened on the borders, a shocking instance of this ferocious licence. Sir William Douglas lord of Liddesdale, one of the greatest warriors of that warlike age, had, in consequence of his expelling the English from Tiviotdale, as is above related, been rewarded, or rather assumed, with the approbation of the guardian, the government of that country and the wardenship of the middle march*. These honourable offices he possessed at the time of David's arrival. But Sir Alexander Ramsay, warden of the eastern march, and not inferior to the other in military fame, having been more early in his attendance on the young monarch, obtained from him the keeping of the castle of Roxburgh and the sheriffdom of Tiviotdale†. This was resented by Douglas as

king mentions his purpose of going over to France and commanding in person, and of his sending an army into Scotland. Edward's amour also with the countess of Salisbury, which Froiſſard relates at great length, is justly rejected by the English historians as entirely fabulous.

Fordun. Boece. Buchan.

The account the Scottish historians give of David's expeditions into England this year, differs widely from that of Froiſſard. The substance of what they relate is as follows; That king David soon after his return from France raised a great army, the command of which he gave to the earl of Murray, serving under him himself as a volunteer; that this army marched into Northumberland, as far as the river Tyne, wasting and spoiling that county for two months, and carried home with them much plunder. That some time afterwards, the king went himself at the head of his army into England, and though the English generals declined an engagement upon account of their inferiority of numbers, yet, with a large body of horse, they watched the motions of the Scots with so much care, that they not only prevented them from spoiling the country, but took five Scottish knights prisoners, after having routed the party that attended them. Upon this loss, they inform us, David marched back his forces into Scotland. King David they farther relate, mustering his forces once more, about the end of autumn, undertook a third expedition; but this invasion was rendered abortive, by an innundation of rain which rendered the roads impassable, and swelled the rivulets so much, that it was impossible for him to provide subsistence for his army, so that contenting himself with burning a few castles on the borders, he led home his forces. The Scottish historians add that a truce was soon afterwards agreed upon to continue for two years, which put an end to these hostilities.

* Buchanan says, he exercised these offices without any authority from the king.

†Ramsay seems to have had a claim to the keeping of this castle, by his having lately recovered it from the English, and the sheriffdom of the county was commonly annexed to this government.

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an inexpiable affront, and his indignation, after being some time smothered at last broke out in the most barbarous revenge. For, as Ramsay was holding a sheriff's court at Hawick, he was suddenly attacked by Douglas, and a band of his followers, who, after killing three of Ramsay's men and wounding himself, cast him on a horse and carried him to the castle of Hermitage, where he was cruelly starved to death. The king, informed of this outrage, threatened exemplary vengeance; but Douglas taking refuge in the inaccessible wilds of the borders, where he also appears to have entered into a correspondence with the court of England; David yielded to the intercession of friends, the commemoration of past services, and above all, to the necessity of the times, received him into favour, and restored to him his lands, the offices he had formerly exercised, and the keeping of Roxburgh castle.

David Brus, K. of Scotland. 1343.

Rymer.

Edward returning to England in February, summoned all his forces to attend him at Berwick at Easter, in order to take signal vengeance on the perfidy of the Scots, for their repeated infringements of the late truce, of which he had many and grievous complaints transmitted to him while in France *. The Scots, before his arrival at Berwick, had laid siege to the castle of Lochmaben near the western march, pursuing, *it would seem*, the accustomed method of diverting, or repaying an attack on one extremity of the border, by an incursion on the other. Edward sent the earls of Glocester, Northampton, and Warwick, and the lord Robert Ufford, eldest son to the earl of Suffolk, with a considerable body of forces to the relief of this fortress; but before they arrived, the siege was raised by the valour of the captain of the castle, Sir Walter Selby, and his brave garrison, with the assistance of the bishop of Carlisle and the lord Anthony Lucy. We have no account of Edward's military operations after he came to Berwick. A treaty was soon set on foot; and a truce concluded for two years, to which the king of France gave his consent. While the treaty was in agitation, it is related, some skirmishes happened between the army of Edward and that of the Scots; in one of which, the lord Ralph Neville of Raby was taken prisoner and carried to Dunbar from whence he was soon afterwards ransomed. The truce now agreed upon, appears to have been no better observed by the Scots than former treaties; for in a commission in the following year, appointing Baliol Edward's general on the borders, it is asserted, that, in direct violation of the truce, the Scots had often entered England in a hostile manner, plundering and doing all the mischief they could, and that they were still threatening and endeavouring to commit greater depredations. In the Autumn 1345, we are informed, that the Scots, at the instigation of the French king, invaded Westmoreland with a large army under the command of Sir William Douglas, and burnt Penrith, Carlisle, and several other towns in the neighbourhood. They were opposed

Froiſſard. l. 1. c. 90, 91.

Walſing. ap. Barnes, 269.

Dugdale, ap. Barnes. ib.

Froiſſard, c. 91. Dugd. ap. Barnes, 269.

A. D. 1344. Auguſt 25. Rym. tom. v. 424, 425.

A. D. 1345. Walſing ap. Tyrell, tom. iii. p. 493.

* Barnes relates from Dugdale, that Edward before his return from France ſent Richard Bury biſhop of Durham, Ralph lord Neville of Raby, the lord John Striveling, and others, to treat with king David. But David having rejected his offers, Edward was ſo enraged, that in great indignation he vowed openly. "That now he would attend to no other buſineſs but the war with "Scotland only; till he had reduced that kingdom to ſuch deſtruction, as ſhould be remembered "while the world endured." Barnes, p. 268,

with

Edward III. K. of England. 1345.

with a chosen body of men collected by the bishop of Carlisle, Sir Thomas Lucy, and Sir Robert Ogle, who watched their motions, and in some measure prevented their depredations. These commanders fell upon a party of Scots headed by Sir Alexander Strachan, and detached from the main army in search of forage and provisions After a sharp conflict, the Scots were entirely routed, their leader Sir Alexander being run through the body with a spear, and killed by Sir Robert Ogle, who in the rencounter was himself dangerously wounded. In this action, the martial bishop of Carlisle was dismounted, and in danger of being made a prisoner; but having recovered his saddle, he fought so valiantly, and animated his men with so much courage by his words and example, that he contributed greatly to the victory. After this loss the Scottish army retired to their own country, upon information that a body of troops from Lancashire, and a party under the command of lords Percy and Neville, were fast approaching to the aid of their countrymen.

A. D. 1346.

The following memorable year 1346, adorned the English with the noblest triumphs, and was productive of the most dreadful calamities to France and Scotland. Edward, by a rare conjunction of public and domestic felicity, with a fourth part of his enemies numbers, gained an entire victory over the French at Cressy; his own spirit and good conduct being completely seconded by the irresistible prowess of his eldest son, afterwards known by the name of the Black Prince, at that time a youth of sixteen years of age. After this victory, Edward laid siege to Calais, a very strong place, and the most convenient key for admiting the English into France. The bravery of the governor and inhabitants of this city, joined to its natural and artificial strength, made it impossible for Edward to reduce it, otherwise than by blocking it up by sea and land. The king of France in these distressed circumstances, prevailed with David king of Scotland to invade England, as the likeliest means of drawing off some part of the English forces from the siege of Calais; and for his encouragement and aid, he sent him over considerable supplies of men and money. Edward, on the other hand, apprehending a storm from this quarter, made an attempt to divert it, by sending three of his lords, Moubray Ross, and Lucy, with powers to offer to David, as the price of his friendship the restitution of the town and castle of Berwick, and also, as the Scottish writers relate, though this is by no means probable, to deliver into his hands his rival Edward Baliol: but these tempting offers, though seconded by the advice of some of his nobles, he rejected; and being determined to assist his ally and benefactor, he assembled a parliament at Perth in the autumn, which approved of his intended expedition into England. He soon drew together a numerous army*, and in the beginning of October, made his invasion by the western border. On his march thither, he took the fortress of Liddel, and put the garrison to the sword; and spreading terror and desolation all around him, in his progress through Cumberland, and the

Fordun, Boece. Buchan. Knighton.

Froiſſard, c. 137, 138.

* The account given of king David's army by ſome of the Engliſh hiſtorians, is abſurd. Barnes ſays, but does not give us his authorities, that it conſiſted of three thouſand men at arms knights and eſquires, thirty thouſand common ſoldiers on geldings and galloways, beſides fifteen thouſand Genoeſe croſs-bows and French auxiliaries.

southern

southern parts of Northumberland, he advanced to the neighbourhood of Durham. The queen of England hearing of the invasion intended by the Scots, summoned the peers and prelates that were left in the kingdom to attend her at York. With their assistance, she soon asembled a resolute body of troops of about sixteen thousand men: and, incensed with the reports of the ravages and devastations committed by the fierce invaders, she led these forces against David Brus, who was encamped with his army at Neville's Cross, near the above-mentioned city, waiting the approach of the enemy *, The queen's army was formed into four divisions. The first was commanded by the lord Henry Percy, and under him served the earl of Angus, the bishop of Durham, and other noblemen of the north: the second, by the archbishop of York, accompanied by the brave bishop of Carlisle, and the lords Neville and Hastings: at the head of the third were, the bishop of Lincoln, the lord Moubrai, and Sir Thomas Rokesby: and Edward Baliol, attended by the archbishop of Canterbury, the lord Roos, and the sheriff of Northumberland, had the command of the fourth. Each of these divisions consisted of about four thousand men, having each a proportionable number of archers and men at arms. Besides the forces above related, a strong and gallant party under the command of lords Deincourt and Ogle, guarded queen Philippa; who in the morning before the battle, after having rode along the ranks, and exhorted every man to do his duty, to maintain the honour of his king and country, and to take revenge upon their barbarous invaders, recommended her people to the protection of God, and retired to a small distance from the place of action.

David Brus, K. of Scotland. 1346.

Froiſſard, ib. Barnes, p. 379.

Oct. 17.

The Scottish army was divided into three bodies. The high steward of Scotland and the earl of March were at the head of the first: the second was led on by the earl of Murray and lord Douglas: the king himself commanded the third, composed of the French auxiliaries, and the flower of the Scottish nobility and gentry. While the English army approached, lord Douglas and Sir David Graham were dispatched with a party of horse to observe their motions, but they were resolutely attacked by the enemy and driven back with great loss upon the main body of their own army. This unfortunate beginning did not damp the courage of the Scottish king, who longed for a battle, and hoped to rival in fame his illustrious father king Robert; he therefore immediately commanded the trumpets to sound a charge. The high steward, who led the van, being sore galled by the English archers, rushed in upon them with such fury, that he soon drove them back upon lord Henry Percy's division; and the forces under his command plying that division vigorously,

Boece, l. 15. c. 324. Buchan. Froiſſard, l. 1. c. 138, 139.

* That queen Philippa aſſembled this army and marched in perſon againſt the Scots, depends entirely upon the credit of Froiſſard, and the truth of it is juſtly queſtioned by Tyrell: he obſerves that none of the Engliſh or Scottiſh hiſtorians mention the queen's being preſent, or having any thing to do at this battle, or with what followed it. The Engliſh hiſtorians, he remarks in his preface to his third volume, ſpeak of the archbiſhop of York, the lords Percy and Neville, as the commanders at that battle, without ſaying one word of the queen's being there, or ſo much as of her going down to thoſe parts; which, if true, ſo memorable a circumſtance, he adds, could ſcarcely have been omitted by the authors who write the hiſtory of thoſe times. Tyrell, tom. iii. p. 535. Pref. p. 7.

Edward III. K. of England. 1346.

with their battle-axes and broad swords, threw them into so great disorder, that they must have been entirely defeated, had not Baliol instantly advanced to their assistance, and broken in upon the steward's battalion with a large body of horse. This timely aid turned the scale of battle, and obliged the high steward to retreat; which he did in a masterly way, and without considerable loss. Baliol allowing him to move off unmolested, instantly charged the division under king David in flank, whilst it was engaged with another body of English in front. David fought gallantly, rallying his disordered men, and encouraging them by his words and example: ashamed to forsake so valiant a prince, his brave battalion threw themselves into a circle around him, and sustained the combat with the greatest vigour, until not above eighty of them remained alive with their king. Even in this desperate state, and though he had received two wounds, David refused to ask quarter, hoping perhaps to be relieved by the high steward, and the division under the command of the earl of Murray and lord Douglas. Despairing at last of succour, and seeing it in vain to resist, he surrendered himself to John Copland, a Northumbrian esquire; who, the Scottish writers relate, lost two of his teeth by David's gauntlet *. The remaining division of the Scots, commanded by Murray and Douglas, intimidated with the fate of their companions, and overpowered with numbers, were soon put to an entire rout; Murray was slain on the field, Douglas was taken prisoner, and but few of their followers escaped.

Knight. 2590, 2591. Boece. Froiſſard. Barnes.

This battle was fought on the 17th of October, and lasted three hours, from nine in the morning till noon. The Scots are said to have lost fifteen thousand on the field; the chief of whom were, the brave earl of Murray, so often mentioned, the earl of Strathern, the lord David Hay, constable, the lord Edward Keith, marshal of Scotland, together with the chancellor and chamberlain of that kingdom, the lord Philip Meldrum, the lord John Stewart, and Allan Stewart his brother, Sir Alexander Bothwell the king's standard-bearer, Sir Alexander Ramsay, and many others of distinction. The men of principal rank among the prisoners were, besides the king, the earls of Fife, Sutherland, Menteith, Carrick, and Wigton; the lord Douglas, the bishops of St. Andrews and Aberdeen, James Douglas brother to lord Douglas, Sir Malcolm Fleming, and many other knights and gentlemen. Copland conveyed the king privately to the castle of Ogle, of which he was governor. There he detained him till he received Edward's orders to deliver him up to Sir Thomas Roxesby sheriff of Yorkshire, by whom he was conveyed to the Tower of London. For this eminent service Copland was created a knight banneret, and for supporting the dignity of that rank, received a grant of 500*l.* a year, 400*l.* of which was to be paid out of the customs of the port of London; and 100*l.* out of those of the port of Berwick, until provision

* Though the Scots, and moſt of the Engliſh hiſtorians ſay, that David was taken priſoner on the field; yet Knighton, with great probability, relates, that ſeeing the day loſt, and being wounded by an arrow on the head, he endeavoured to make his eſcape to Scotland by flight; but being purſued by Copland, he was taken priſoner near a place called Merrington, and conveyed thence privately to the caſtle of Bamburgh in Northumberland. Knighton, 2591. Moſt of the other hiſtorians relate, that king David was conveyed to the caſtle of Ogle in the above-mentioned county.

should

David Brus, K. of Scotland. 1346.

should be made for himself and his heirs, of rents of land, or other revenues, of equal value, in some convenient place *. The loss of the English in this engagement is not particularly mentioned. Knighton relates, that only four knights and five esquires fell on the field; and we learn from Dugdale, that the lord Ralph Hastings was in this battle mortally wounded. So great a victory however could not be gained without blood, and the number killed on the side of the English, though not taken notice of by their historians, must have been considerable.

Scotland being deprived of its natural head by the captivity of its sovereign, the guardianship of that kingdom came again into the hands of Robert the high steward; who, together with the earl of March had returned in safety from the battle of Durham, but not without suspicion of perfidiously deserting the king. This charge was imputed with the greater appearance of truth to Robert, at he was heir apparent to the Scottish throne. But the terrible blow which the Scots had received, could not soon be recovered. Baliol, who had a very considerable, if not the chief command in the late battle, and who by his courage and conduct had contributed greatly to the victory, failed not to improve the vast advantages he had gained. Pursuing the scattered remains of the Scottish army over the marches, he regained, during the course of this year, the fortresses of Roxburgh and Hermitage; with the counties of Mers, Tiviotdale, the forest of Etterick, Annandale, and Tweddale; so as again to extend the English limits (for all this tract of country he had long ago yielded to the king of England) to Cockburnspath and Sowtray. In the following year, while Baliol, at the head of twenty thousand men, entered Scotland by Carlisle, the lords Henry Percy and Ralph Neville invaded it with an equal number of forces by the way of Berwick: thence they penetrated into Lothian and Clidesdale, while Baliol carried his arms into Nithsdale and Carrick. At last the two armies joined, and directed their march towards Perth. But their progress seems to have been stopt by the truce that was agreed on between the kings of England and France soon after the surrender of Calais; in which truce the Scots were included.

Boece, l. 15. Buchan. Knight, p. 2592. Hol. Sc. Hiſt.

A. D. 1347.

Sept. 28. Rym. vol. v. p. 588.

This truce was, by several renewals, prolonged for near eight years, not without the usual infringements of it on the part of the borderers. On the Scots proposing to enter into a treaty with Edward for the redemption of their captive king, they were told, that previously to any transaction of that nature, they must make compensation for the insults and damages they had, in

A. D. 1348. Knight. p. 2597.

* Froiſſard relates, that, for ſome time after the battle, it was not known where king David was, nor that he was taken priſoner. But that, as ſoon as the queen underſtood he was in Copland's cuſtody, ſhe diſpatched a purſuivant to him, with orders to bring his priſoner immediately to Durham; and to let him know, that he had not done his duty in carrying him off the field. To which meſſage Copland returned a very reſolute anſwer: 'That as for the king of Scots, he 'would be anſwerable for his ſafe keeping, but he would not deliver him up excepting to his ſo-'vereign lord the king, or his order.' The queen, diſpleaſed with this anſwer, wrote bitter complaints over of Copland to the king; upon which Edward ordered him to Calais, which he was then beſieging: Copland, on his arrival, vindicated his conduct in ſo plain and brave a manner to the king, that Edward was entirely ſatisfied with what he had done, and rewarded him as mentioned in the text. Froiſſard, c. 139.

Edward III. K. of England. 1348.

violation of the truce, been guilty of towards his subjects and territories. This answer provoked the Scots to fresh outrages. Entering suddenly the marches of England in considerable bodies, they laid waste the country by fire and sword; and carrying off many prisoners, extorted extravagant sums for their ransom. The English wardens, seeming for a while to neglect these injuries, proclaimed a great tournament to be held at Berwick; to which many of the Scots securely resorting, without dread of danger, were suddenly attacked by a body of English placed in ambush, who killed some of the Scots and made others prisoners. But one of the most general and dreadful plagues recorded in all history, breaking out this year in England, and the next in Scotland, where it is said to have destroyed about a third part of the inhabitants, gave a check to the ferocity of the contending nations; so that the truce was thenceforth better observed *.

A. D. 1355. June 24.

Soon after the expiration of the truce, hostilities were renewed in France, both on the side of Gascony and Picardy. The Black Prince commanded in the former province, and Edward himself made an invasion from Calais. The king of France John, who had five years before succeeded to his father Philip, in order to engage his allies of Scotland to make a diversion in his favour, sent over Eugune de Garentiere, an eminent French knight, with a select band of sixty men at arms, and 40,000 crowns to be expended in levying and maintaining a body of regular troops. This sum the guardian and nobles of Scotland chose to share among themselves, and to pursue the old method of harassing the English by sudden and frequent attacks and inroads. Patrick earl of March and lord William Douglas †, having united their forces in an expedition of this kind, sent Sir William Ramsay of Dalhousie, a knight of approved valour, with a party before them, over the Tweed, to burn and plunder the populous village of Norham, and the country adjacent: Ramsay effected this, and knowing that a considerable body of the enemy were approaching, he allowed them to come so near as to encourage them to a pursuit, and then fled before them as far as Nisbit-moor in the Mers. There the Scots were lying in ambush with their main force, and the French auxiliaries; and the English being unexpectedly attacked by superior numbers, were, after a gallant resistance, put to the rout. Sir Thomas Gray, with his son and heir, Sir James Dacres, and other considerable

Ford. l. 14. c. 9.

* If Knighton is to be credited, the Scots were accessary to the bringing of this calamity upon themselves. Hoping to avail themselves of the pestilence that depopulated England, they appointed a rendezvous in the forest of Selkirk in 1349, and invaded the English borders: but before they made any considerable progress, five thousand of them dropt down dead; and many of them were cut off by the enemy, who had drawn together a considerable body to oppose them. Those who escaped, carried the infection to their own country. And this dreadful contagion is said to have raged in Scotland with as much, if not with greater violence, than in any nation in Europe. Knighton, p. 2600.

† This lord William Douglas, afterwards earl of Douglas, had, two years before, murdered the famous Sir William Douglas lord of Liddisdale, so often mentioned, as he was hunting in the forest of Jedburgh; in revenge, as it is said, of the death of Sir Alexander Ramsay. This murder was considered as the more atrocious, because lord Douglas was the godson and near relation of Sir William. Ford. l. 14. c. 8.

Englishmen,

Englishmen, were made prisoners; and on the side of the Scots, two brave knights, Sir John Haliburton, and Sir James Turnbull, were slain. David Brus, K. of Scotland.

The Scots encouraged by this success, soon after formed a scheme for the recovery of Berwick. Thomas Stewart earl of Angus, in concert with the earl of March, having collected a great number of ships from different ports of Scotland, filled them with brave warriors, and in a dark night disembarked these on the northern side of the mouth of the Tweed. From thence they moved unobserved to the foot of the wall, and in the dawn of the next morning applied their scaling-ladders at the port called Cow-gate. The first who gained the summit of the wall was William Towers, who being bravely followed by his companions, the English that were on guard were quickly overpowered, though not without making a stout resistance; wherein Sir Alexander Ogle captain of the town, with two other English knights, were killed. The victors lost in this assault six knights of note*, besides a considerable number of inferior rank. The bulk of the townsmen, receiving the alarm in their beds, betook themselves to flight in the utmost consternation, seeking the nearest ways of escape through the other gates, or over the walls: many of them got into the castle through Douglas Tower; and the whole wealth of the town, which is said to have been very great †, being thus abandoned, became a prey to the Scots. The English in the castle immediately sought the counsel and aid of Sir John Copland sheriff of Northumberland, the same person who had taken David king of Scotland prisoner at the battle of Durham. And it was in concert with him resolved, that a sufficient number of men, secretly introduced into the castle, should in the night time endeavour to enter the town through Douglas Tower, and surprise the Scots garrison. But the Scots having received intelligence of this design, assaulted and took Douglas Tower, and defended both the town and tower against those in the castle, and the forces that had come to their aid: but the assaults that the Scots made on the castle were all to no purpose. Garentiere the French knight, and his followers, distinguished themselves in this reduction of Berwick; and Robert Stewart the guardian, having soon after come to settle the affairs of that place, carried the Frenchmen away with him; and after paying them all due honours, sent them over to their own country.

1355. Ford. vol. ii. p. 351.

Boece, l. 15.

But this acquisition of the Scots was of short duration. The great importance of Berwick in those days appears from the ardor of the English king to recover it; for, having received intelligence, while yet in France, of the success of his enemies, he returned into England with all possible expedition; and though his parliament was then sitting, he staid only three days in his capital. Pursuing his march northwards, he arrived at Durham on the 23d of December: from whence he issued his summons to all the fighting men of the several counties of his kingdom to attend him at Newcastle on the first of January. Having kept his Christmas at the last named town, he marched

Rym. vol. v. p. 828.

A. D. 1356.]

* The names of these knights, according to Boece, were, Sir Thomas Vaux, Sir Andrew Scot of Balwirie, Sir John Gordon, Sir William Sinclair, Sir Thomas Preston, and Sir Alexander Moubrai.

† *Auro & argento et divitiis infinitis*, are Fordun's words.

from

Edward III. K. of England. 1356. Knight. p. 2611. Averſbury, c. 103.

from it at the head of his army, and came before Berwick on the 14th of January. His navy having also arrived in the river's mouth, he laid siege to the town both by land and sea. As the castle still held out for him, he went into it in person, accompanied by his guards, designing to let down the draw-bridge, and to attack the town on that side, while his army assaulted other parts of the walls. Sir Walter Manny, also, one of Edward's most celebrated captains, was employed in advancing a mine below the wall, by the help of certain miners who had been brought from the forest of Dean. The Scottish garrison, judging it impossible to hold out the place, against the combination of force and art that were employed to reduce it, soon offered to capitulate; and were allowed to march out with safety of life and limb. Such is the account given of this event by the English historians. The Scottish writers say, that the garrison of their countrymen, on hearing of Edward's approaching with a great army, abandoned the town before his arrival, having first plundered it, and beat down its walls.

Boece. Buchan.

Edward, leaving at Berwick a sufficient number of men for a garrison, and for repairing the fortifications, advanced farther into Scotland with his army, divided into three different bodies. The king himself resided some time in the castle of Roxburgh, where Baliol made a formal surrender into his hands of his whole right to the kingdom of Scotland, by delivering to him his crown and some of the soil of the kingdom. He also yielded to him all his family estate, both in Scotland and England, declaring him his universal heir; and in return for these grants, Edward settled upon him an annual revenue. Baliol's old age, want of heirs of his body, and above all, the continued obstinate rebellion of his subjects, are mentioned as the grounds of this resignation in the deeds attesting it, which are still preserved in the English archives*. It is also related, that while the king was at Roxburgh, he was amused by a proposal from the earl of Douglas, and others of the Scottish nobles, to treat with him about submitting to his authority; and that they, having by this means obtained a respite from hostilities for some days, employed that time in transporting their moveables of chief value beyond the Firth; and that afterwards they sent the king a defiance. Hereupon the king, greatly incensed, advanced with his army to Haddington, every where ravaging and destroying the country in his way. But besides being continually harassed by small parties of the Scots, he found the country utterly destitute of provisions; and in particular, for fifteen days, his army had no other drink but water. To complete his distress, a fleet that he expected to arrive with provisions and other necessaries in the Firth, was by a violent tempest dispersed and destroyed. These disastrous circumstances made the king lose all temper, and in retiring from Scotland; where it was now impossible for him

Jan. 20. Rym. vol. v. p. 832—843.

Knighton, p. 2611.

Boece, l. 15. Holing. Eng. Chron. p. 955.

* From the papers relating to this tranſaction it appears, that the king's two ſons, Lionel and John, at that time earls of Ulſter and Richmond, were with him at Roxburgh. They are mentioned as witneſſes to ſeveral of theſe deeds next after the biſhop of Durham. The abbots alſo of the great border monaſteries of Melroſe, Kelſo, Jedworth, and Driburgh, are in the liſt of thoſe witneſſes. Two of the deeds are dated at the caſtle of Bamburgh. Baliol died at Doncaſter in 1363.

to continue any longer, he discharged his wrath on Edinburgh, Haddington, and the other open towns in his way, reducing them all to ashes; in memory whereof, the Candlemas of that year, about which time this devastation happened, was long after known by the name of the *Burnt Candlemas*. Soon after his arrival in his capital, he issued orders to the earl of Northampton, whom he had appointed his warden and lieutenant on the marches, and also to his chancellor and chamberlains of Berwick upon Tweed, and to his sheriffs of Berwick and Roxburgh, to cause public proclamation to be made in proper places within his kingdom of Scotland, of his fixed intention and will, that the inhabitants of that kingdom should continue to be governed by the same laws and customs that were established among them, before the kingdom came into his hands by the resignation of Baliol. With the same view however fruitless, of gaining the affections of his Scottish subjects, he directed some time after, to the chancellor and chamberlain of Berwick, a confirmatory grant of the liberties and privileges of the men of Tiviotdale; declaring it to be his pleasure, that the inhabitants of that country, in consideration of their good behaviour and stedfast adherence to the king, from the time that they became subject to him, should be maintained in the full enjoyment of all such liberties priviliges, and customs, as they had possessed, and peacably and reasonably used, during the reigns of Alexander III. and his predecessors, and from that time, down to the period of their becoming subject to the king of England. These liberties are mentioned as having been enjoyed by them both in Berwick and in other places of Scotland; but no particular is set forth, of those privileges which the king did thus ratify.

David Brus. K. of Scotland. 1356.

March 15. Rym. vol. v. p. 846.

Ib. 854.

The progress of this year was signalized by the battle of Poictiers, wherein the English, under the heroic prince of Wales, though not with a sixth of the numbers of the French, gained a complete victory over them; and their king was taken prisoner. In the March of the following year, a truce for two years was concluded between England and France, at the earnest intercession of the Pope. This truce did, as usual comprehend the Scots, and paved a way for resuming a negociation, which had several times before been undertaken without success, for restoring the captive king of Scotland to his liberty. Six years before, upon hostages of some of the greatest of his subjects being sent into England to secure his return, he was allowed to go into Scotland, to concert with the community of his kingdom the terms of his redemption; but he found it impossible to reconcile them to the condition long insisted on by Edward of his doing homage to him for his kingdom. The nation was also so exhausted by all sorts of calamities, and so destitute of any profitable commerce, that it was not in their power to advance a large sum for a ransom. David therefore, after staying some months with his subjects, found himself under the mortifying necessity of returning again a prisoner into England, and was exchanged with his hostages at Berwick about the Easter of 1352. In this, and the three following years, the treaty for David's redemption was renewed at Newcastle; and Edward, having at last desisted from his claim of homage, the Scots agreed to pay 90,000 merks sterling, as the ransom of their king. The payment was to be completed in nine

A. D. 1357. Rym. tom: vi. p. 3.

Edward III. K. of England: 1357.

nine years; during which there was to be a truce between the kingdoms; and twenty hostages were to be sent into England for ensuring the fulfilment of this contract. The whole of this agreement was confirmed by a subsequent meeting of commissioners from both kingdoms, at Berwick in November, and a day was fixed for another meeting at Berwick in January, to proceed to the execution of the articles agreed upon. Edward and his son the prince of Wales ratified each of these contracts. But the guardian and states of Scotland, probably influenced by France, refused their sanction, and did not send the hostages into England. At length, after an interval of almost three years, this negociation was resumed with success; and the main articles having been agreed to at London, between the king of England's council and deputies sent thither from Scotland, Berwick was again appointed to be the place for completing and perfecting it. The Scottish plenipotentiaries, commissioned by Robert Stewart, the guardian, in full council of the kingdom, were, the bishops of St. Andrews, Caithness, and Brechin, the earl of March, Sir Robert Erskine, and Sir William Lavingstone. There were also other commissioners from the clergy, the nobility, and burghs, all furnished with the most ample powers. The commissioners from the king of England were, the archbishop of York, the bishops of Durham and Carlisle, and the lords Percy, Neville, Scroop, and Musgrave. These all met at Berwick, and David was conducted thither to attend the congress. The final agreement concluded between them was, that King David should be released for the ransom of 100,000 merks sterling, to be paid yearly, during a truce now agreed to of ten years; whereof the first payment was to be made at the term of Midsummer next, and the rest at the same term in the following years; all of them at Berwick, if that place continued in the hands of the English, if not, at Norham, or if it pleased the king of England, at Bamburgh; that for security of fulfilling this treaty, David should deliver to the king of England twenty hostages, heirs of the chief families of his kingdom *, and that three out of eight of the principal nobles of the kingdom, whose names are mentioned in the treaty †, should also enter themselves hostages on the delivering up of the king, not to be relieved otherwise than by others of the same number supplying their place; so that three of them were always to be hostages in England, until the payment of the king's ransom should be completed; that on failure of the payment at any of the terms, David should return to England, deliver himself prisoner, and remain such, till all the arrears due were discharged. These, and some other articles of less moment, David was bound to confirm by oath, and solemnly to declare himself infamous and degraded from all his dignities, and his subjects released from their allegiance, if ever he should presume to infringe this treaty. The king also, with his prelates, lords, and merchants, subjected themselves to the highest censures of the

Rym. vol. vi. p. 31,—65.

Oct. 3.

* The principal of whom were, the heirs of Robert, Steward of Scotland, of the earls of Sutherland, March, and Wigton, and of the lords Cunningham, Graham, Livingstone, and Erskine. Rymer, vol. 6. p. 47, 48.

† These were, the Steward of Scotland, the earls of March, Marr, Ross, Angus, and Sutherland, the lord Douglas, and Thomas Murray. Ib. 48.

church,

church, if they should fail of paying the money in the manner agreed upon; and each of them obliged himself as a principal debtor for payment of the whole sum. This treaty, two days after concluded, was ratified by David, now considered as restored to his full liberty, and also by the deputies of the three estates of his kingdom. About a month after, the same was done at Scone in a full parliament of the whole kingdom, and about the same time it was ratified by the English king at London *.

David Brus, K. of Scotland. 1357.

Nov. 6.

But it soon appeared that David and his subjects had brought themselves under an obligation, which it was impossible for them to fulfil; so exhausted was Scotland by a long series of calamities, so small its share in commerce or the arts, and so difficult was it, in the rude aristocratical constitution of the times, to tax the revenues of those who were best able to supply the public necessities. The first payment however was made at Berwick at the time prefixed. A second payment was made in the year following, after a delay from Midsummer till Martinmas, obtained by the intercession of the Scottish queen with her brother. It appears, that David in these straits had recourse to Charles Dauphin of France, and regent of that kingdom, during his father's captivity in England, and that Charles engaged to supply him with 50,000 merks, that by expediting the payment of his ransom, he might the sooner recover his hostages, and be in a condition to assist his ancient ally, by renewing the war with England. But this treaty was rendered of no effect by the formidable invasion of France, which Edward made in the following year, and by the celebrated good faith of John in observing the treaty of Bretigny, which restored him to his liberty at the price of many of the best provinces of his kingdom, and a vast sum of money besides. David, therefore, was still kept in a distressful dependence on the king of England; to put an end to this, and at the same time to establish a perpetual peace between the neighbouring nations, a remarkable plan for effecting an union of them, was some years after drawn up at London, in presence of the two kings, by the privy councillors of each †. In this project, it was agreed that David should propose to the communities of Scotland ‡, that if he should die without heirs of his own body, they should consent that the king of England and his heirs should succeed to him in the throne. And on their thus settling the succession, the king of England, besides forgiving the whole arrears of David's ransom, proposed immediately to restore the town and castle of Berwick, the castles of Roxburgh, Jedburgh, and Lochmaben, with the country in the neighbourhood of each, and all the other lands still possessed in Scotland by the English. And Edward did not only agree to restore these late acquisitions, but consented to put the king of Scotland in possession of the greater part of those lands and rents which his ancestors had enjoyed in England, with an equivalent for the remainder, to be assigned him in a convenient place; and with-

A. D. 1358. Rym. tom. vi. p. 91. A D. 1359. Ib. 117. Aberc. vol. ii. p. 124.

A. D. 1360.

Rym. tom. vi. p. 426.

A. D. 1363. Nov. 27.

* Fordun relates, that David, upon his return to Scotland, in consequence of a private promise to Edward, demolished the castles of Dalswinton, Dumfries, Morton, and Durisdere.

† The record says, *Parlé fu en manere qe ensuyt entre les privez Conseux des dits Rois.*

‡ The three bodies of prelates, barons, and burgesses, are here meant. Towards the end of this paper, they are expressly called the three communities of Scotland.

Edward III. K. of England. 1363.

out paying any service to the English but what was due for these lands. He offered farther to preserve the name, and to maintain the constitution, laws, and privileges, whether civil or ecclesiastical, of Scotland, to continue as a kingdom, still distinct from England, though under the same head. Although this plan was perhaps never fully matured, yet we are assured by the Scottish historians, that the project of uniting the kingdoms under the English king and his heirs, in case of David's having no heirs of his body, was proposed by the latter to his parliament *. David was earnestly desirous to free himself from the bondage he was kept under by the debt of his ransom; and it is not improbable, that his own aversion to Edward was in some degree overcome by the humanity and politeness wherewith he was treated during his captivity, and for which the court of England was in those days very illustrious. But the bulk of Scotsmen could regard Edward in no other light than as the greatest adversary, and most cruel scourge of their country. It was therefore nothing wonderful, that this proposal of David was rejected by the Scots, as we are informed by their historians, with general indignation.

Fordun. Boece. Buchan.

A. D. 1365. May 20. Rym. vol. vi. p. 464.

Soon after, a new agreement was concluded, by which, on account of the failure of David in the annual payments, to which he and his subjects were bound by the treaty of Berwick, and in order to free themselves from the penalties they had incurred, they engaged to pay 100,000*l.* in the space of twenty-five years, by equal yearly proportions, at the places appointed in the former treaty. The payments were regularly made at Berwick for four years, during which, a truce had been concluded between the two kingdoms, with liberty to each king, under certain conditions, to renew the war at the end of that period, on giving a half year's warning to the other, and on forfeiting certain advantages he would otherwise have enjoyed. But about the expiration of this truce, war broke out afresh between England and France; and Edward, apprehending that the French would engage their ancient allies to invade England, used the precaution of sending a considerable number of forces to the northern frontiers. He also re-inforced the garrisons of Newcastle, Berwick, Roxburgh, and the other fortresses near the borders. David, however, was prevailed upon to renew the truce for fourteen years, in the course of which he was bound to pay 56,000 merks, by equal yearly pay-

A. D. 1369.

Rym. vol vi. p. 632.

* David would be induced to consent the more readily to this treaty, as he was in bad terms with his nephew Robert Stewart, for deserting him, as he supposed, at the battle of Durham. The year after his return, a parliament which David then held, he changed the order of succession to the crown, transferring it from Robert, to the son and heir of the earl of Sutherland, his nephew by a younger sister; which young nobleman died soon afterwards of the plague in England, whether he was sent as an hostage for the payment of his uncle's ransom.

Holingf. Hist. Scot. 244.

David's queen, Jane, sister to Edward, died at her brother's court, in the end of the year 1358; and he had married about this time Margaret Logie, a private gentlewoman, but much celebrated for her beauty, whom he afterwards repudiated. Perhaps this marriage, as Guthrie, in his history of Scotland, observes, was not known till the treaty was near its conclusion. For after the agreement was drawn up, the English commissioners started the following question: what equivalent Edward was to have for the cession of the town and castle of Berwick, and for all the other places and lands, he was to relinquish, if David should have heirs of his own body? It does not appear from the record, what answer was given to this question. It looks, as the above quoted author remarks, as if Edward was in no pain on account of the prospect of David's having children.

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ments, as the remainder now due of the ransom that had been agreed upon by the treaty of Berwick; the king of England being glad, for the sake of securing the quiet of his British dominions to make so large an abatement from the sum which David had engaged to pay him by their last agreement. He also consented that the subjects of David who claimed a right of heritage to the lands or possessions held by the subjects of the English king, in the shire of Roxburgh, should, during this truce, draw half the rents and profits of these estates, according to a just estimate made of their value by proper persons chosen by each party. The annual payments were now reduced to 4000 merks, and the first of them was made at Berwick, at Candlemas in the following year; but David having found some inconveniency in making the payments at Candlemas, obtained from Edward, the favour of a delay in these payments from Candlemas until Midsummer, which they agreed should be the term of payment during the subsequent years of the truce.

David Brus, K. of Scotland. 1369.

A. D. 1370. Ib. 654, 655.

The year following concluded this unfortunate prince's life and reign, which, almost from beginning to end, had been obscured and oppressed by the greatly superior power and glory of his neighbour.

A. D. 1371. Feb. 22.

David, leaving no issue, was succeeded by his nephew Robert, the first of the royal line of Stewarts, agreeably to the settlement of Robert Brus, whose grandson he was by his eldest daughter Marjory. The new king continued to maintain the truce with England, and to make the annual payments of the arrears due of king David's ransom. But though there was no open or declared war between the nations, the borderers could not be restrained from their accustomed outrages. At a fair held at Roxburgh in August, to which multitudes of people were wont to resort from both kingdoms, one of the followers of George Dunbar earl of March, was slain by some of the English. The earl applied to lord Henry Percy, warden of the English marches, for redress of this injury, by delivering up the offenders, or inflicting due punishment upon them agreeably to the border-laws. But no satisfactory return being made to this demand, the angry Scottish chieftain resolved on a cruel revenge. Waiting the return of the fair in the year following, he and his brother the earl of Murray, accompanied by a considerable body of their friends and followers, attacked the town by surprise, killed all the Englishmen they found in it, set it on fire, and carried off in triumph its spoils. The English borderers, in resentment of this outrage soon after entered Scotland, and ravaged the lands of Sir John Gordon, which probably lay nearer the place of their inroad than those of the earl of March. Gordon soon made repayment in kind, by an incursion into the English borders; but as he was returning with many prisoners and a great train of cattle, he was attacked at Carham by a superior force, under the command of Sir John Lilburn. The conflict was fierce, and its decision long doubtful; the Scots being driven from their ground, and returning again to the charge five different times. At last, however, they prevailed, and added to the number of their prisoners, Lilburn, his brother, and many of their followers. Lord Percy the English warden, to revenge these losses and insults, entered Scotland at the head of seven thousand men, and having crossed the low country of the Mers, through one of its most

Robt. Stewart, K. of Scotland.

Buchan, l. 9. c. 40, 41. Ford. vol. ii. l. 14. c. 37, 38.

A. D. 1372.

Edward III. K. of England. 1372.

fertile spots, encamped at Duns. But his farther progress was stopt by a contrivance of the shepherds and peasants in that neighbourhood, who bethought themselves of employing, in defence of their country, a very simple sort of machine, which they commonly made use of to fright away from their corn, the deer and wild cattle that then, abounded in the hills of Lammermuir. These where a kind of rattles made of pieces of dried skins, distended around ribs of woods, that were bended into a semicircular form, and fixed to the ends of long poles. The bags, being furnished with a few hard pebbles, and vigorously shaken by a rapid motion given to the poles, made a hideous noise: and an unusual number of them being thus employed on the tops of the adjacent hills, the horses of the English took fright, and breaking away from their keepers, ran wildly up and down the neighbouring fields, where they became a prey to the people of the country. The army also, awakened with the strange noise, and finding themselves in the morning deprived, not only of their war-horses, but of many of their beasts of burden, retired on foot towards the Tweed in precipitation and disorder, having left their baggage behind them. The same day, Thomas Musgrave, governor of Berwick, as he was carrying some squadrons of his garrison, to join the army under Percy, fell into an ambush prepared for him by Sir John Gordon. Being surrounded before he was aware, and attempting in vain to escape by flight, he, and the body he commanded, were made prisoners * About this time also, Sir John Johnson and his followers made incursions on the west borders, and wasted and destroyed the country as much as used to be done by the ravages of regular armies.

There are no events belonging to our subject, recorded as happening during the remaining five years of Edward III.'s reign. This illustrious monarch had sufficient experience, in the last years of his life, of the vanity of human greatness; not only by the domestic losses of his beloved queen, and excellent son, the Black Prince, but by his being deprived of all the towns and territories he had acquired in France, excepting Calais. The decline of his own life, and of the prince of Wales's health, gave a favourable opportunity to the

* It is probable, that these exploits are either magnified or misplaced, according to the usual inaccuracy of the Scottish historians, as there is no memorial of them in the public acts. It appears from these, that about the beginning of this year there were apprehensions of an invasion from Scotland, to repel which, the wardens were ordered to remain in the neighbourhood of the marches, and all persons who owed service in war, were commanded to abide in the country. And in the beginning of the following year it appears, that there had been dissentions between Henry lord Percy, and William earl of Douglas, which because the wardens of the marches could not conveniently compose, on account of Percy and Douglas being themselves of this number, the king of England found it necessary to nominate commissioners on his part, to meet with others from the king of Scotland, to settle these differences in an amicable manner, agreeably to the tenor of the truce then subsisting †. Commissioners were also appointed, in the same year to meet on the Monday after Midsummer at Lyliot's-cross, with the usual charge and powers to repair the breaches, and punish the breakers of the truce in the king's marches of England, and his dominions in Scotland; and to require and prosecute redress and punishment of such offences from the king of Scotland and his subjects.

Rym. vol. vi. p. 713.

A. D. 1373. Rym. vol. vii. p. 2.

Ibid. p. 9.

† Next year a commission is granted to persons both more eminent and numerous, for the same purpose and for the same reason. The particular subject of debate between these chieftains is there said to be the forest of Jedburgh, and the profits thence arising.

A. D. 1374. August 29th.

celebrated

celebrated wisdom of Charles V. of France, seconded by the extraordinary military talents of his constable du Guesilin, to exert themselves in recovering the parts lately dismembered from the French monarchy; and which it was always much easier for a king of France to attack, than for a king of England to defend. The progress of this new war in France had been stopt by a truce which expired a little before Edward's death; and the minority of Richard II. the son of the Black Prince, who succeeded his grandfather, in the eleventh year of his age, gave a fresh advantage to the French king for renewing the war, and pursuing his conquests. As the Scots were always by affection in the interest of France, it is probable that the revival of the war abroad, may have been connected with a fresh disturbance that happened this year on the borders; which, in its circumstances, nearly resembled that which was last related. The borderers of the different nations having quarrelled at the fair of Roxburgh, the town was burned by the Scots; upon which the lord Henry Percy, who at the coronation of Richard II. had been created earl of Northumberland, entered Scotland at the head of ten thousand men, and during the space of three days ravaged the lands of the earl of March. Commissioners were appointed for quieting these disorders, and settling mutual reparation of injuries; and in the year following, the English council named plenipotentiaries to treat with the Scottish king about a final peace. But on the Thursday before the feast of St. Andrew, which was about the time that this negociation should have begun, the castle of Berwick was surprised in the night by seven desperate fellows from the neighbouring Scottish border * They killed the constable, or governor, Sir Robert Boynton, but allowed his wife and family to depart, exacting from them a ransom of two thousand merks sterling to be paid in three weeks; and obliged them in case of failure, to return prisoners to the castle. The earl of Northumberland having complained of this breach of the truce to the earl of March, the latter disclaimed any knowledge of it, and offered to join his forces to those of the English warden, in order to recover the place from the banditti who had seized it. Northumberland having, in the name of his master the king of England, summoned them to surrender, they insolently answered, That they would neither yield it to the king of England, nor the king of Scotland; but would retain and defend it against all mortals for the king of France. Some of their friends and countrymen having joined them, increased their number to forty-eight; and this determined band are said to have defended the fortress eight days, against seven thousand English archers, and three thousand horse, commanded by the earls of Northumberland and Nottingham, the lords Neville, Lucy, Stafford, and other English Noblemen. On the ninth day, after a long and furious assault, during which the besieged lost only two of their number, the English entered

Robert Stewart K. of Scotland, A. D. 1377.

June 21ſt. Richard II. K. of England.

Walſing. p. 211.

A. D. 1378.

Fordun. Walſingham.

*Fordun calls them *ſeptem valentes vernaculæ marchiæ*. The names of ſome of them, he ſays, were Leighert, Artwood, Grey, Hog, Hempſede, Jak de Fordun; he ſays, there were other two, which makes their whole number eight. Perhaps the eighth was their leader, who, Abercromby, on the authority of H. Boethius, ſays, was the brave Sir John Gordon. But he who had the command when the place was ſtormed, is called, by the Engliſh writers, Alexander Ramſay. Aberc. vol. ii. p. 178. Tyrell, vol. iii. p. 837, 845.

the

Richard II. K. of England. 1378.

the place, and put all within it to the swotd, sparing only the governor, that they might learn from him the designs of the Scots. After thus reducing the castle, the English army marched into Scotland; but the Scots, who were then in arms, being inferior in numbers, and watching an opportunity of attacking their enemies with advantage, declined appearing in the open field; wherefore the English generals sent Sir Thomas Musgrave, a knight of Cumberland, with six hundred men, as far as Melros, to discover the situation of the Scots. But this party being suddenly attacked from an ambush of three thousand men, commanded by the earl of Douglas, Musgrave, with more than a hundred of his men, were made prisoners; the rest being either killed, or making their escape by flight. Young Henry Percy, son to the earl of Northumberland, afterwards so well known by the name of *Hotspur*, is said to have displayed extraordinary courage, both in the siege of Berwick castle, and in the subsequent rencounter with the Scots.

Froiſſart

Though the truce was still considered as subsisting, yet the borderers continued their mutual inroads: and considerable advantages were gained by the Scots, chiefly on the western border; which seems to have been partly owing to a plague that ravaged the north of England, and partly to a want of due care in those who had the administration of public affairs during the minority of the king. At last the king's uncle, John duke of Lancaster, the person of chief authority in the English regency, and in right of his wife, the eldest daughter of Peter the Cruel, titular king of Castile and Leon, was sent northwards with a great army, and full powers to regulate all border affairs, and to treat with the king of Scotland. Accordingly, the bishops of Glasgow and Dunkeld, William earl of Douglas, George earl of March, and Archibald Douglas lord of Galloway, whereof the three last named were at that time the wardens of the marches, met with the duke of Lancaster at Berwick *; and there, on the first of November, agreed to a security, as they called it or mutual strict observation of the truce, until St. Andrews day in the following year; and that on the 12th of June, a march day should be held at Ayton, where the duke of Lancaster, and the earl of Carrick, eldest son of the Scottish king, with a proper number of attendants, should meet, in order to a more mature examination and full settlement of all matters in question, relating to the truce betwixt the two kingdoms. The English writers complain of the duke's allowing himself to be amused by the Scots, so that no advantage was reaped from this formidable expedition, wherein many of the principal nobility accompanied him, and which is said to have cost the public eleven thousand merks. But the duke's ambition of making good his title to the crown of Castile, which had prompted him to enter into an alliance with Ferdinand king of Portugal; and for the support of which claim he had obtained the concurrence and aid of the English parliament; made him very earnest to

A. D. 1380.

Rym. vol. vii. p. 268, 277.

Ibid. 276, 277.

Froiſſ. l. 1. c. 61.

Rym. vol. vii. p. 268, 276.

* The earls of Warwick and Suffolk, and others commiſſioned by the king of Caſtile, had met with theſe Scottiſh commiſſioners on the 17th of October, and four following days, at Lyliotcroſs, Mextown, and Morehouſlaw; but it was judged more expedient for promoting the end of theſe conferences, that the Scottiſh commiſſioners ſhould attend in perſon on his Caſtilian Majeſty at Berwick, which they agreed to, upon ſufficient pledges being given for their ſafety.

maintain

maintain the peace both with Scotland and France, and is the true reason of the great condecension he at this time shewed to the Scots.

Robert Stewart K. of Scotland. A. D. 1381.

The duke of Lancaster and earl of Carrick met at Ayton, on the day appointed by the assurance concluded at Berwick. As the great object of this congress was to inquire, whether, and by whose fault, the truce between the kingdoms, concluded by the two late kings, had been violated, the Scots were desired to declare the articles in which they judged it to be broken, and also their opinion concerning the most equitable manner of taking cognizance of the alleged breaches. The Scots, in answer to the first requisition, confined themselves to the many notorious encroachments which they affirmed had been made on the liberty of trade in England, which, by an express article in the truce, was allowed them. To this infringement they reserved the liberty of adding others, when the manner of trying them should be fixed: and as to this, they proposed that the several articles of violation should be tried, according to the nature and weight of each, by a jury sworn of persons, equal in number and condition, chosen out of each nation. The English declared, that if there were any such breaches of the truce, they were not made by their fault; and that they were ready to redress them to the utmost of their power. But as to the matter of cognizance proposed, they objected to it, as unusual in such high matters, and as derogating from the majesty of kings, to submit such points to the determination of their own subjects. They proposed, therefore to refer the matters in question to the arbitration of some sovereign prince, which, they affirmed, was often practised in like cases. To this proposal, the Scots objected the inconveniency of attending in a foreign country the prosecution of such an appeal; the dishonour of seeking justice abroad, as if they were incapable of discovering it themselves; the difficulty of finding a prince equally agreeable to both, and the hazard of a foreign power founding a claim of superiority and resort on an appeal of this nature; a danger perhaps little to be dreaded by the English, because of their great power, but to which the weakness of the Scots too evidently exposed them. These discussions being carried on in a succession of days after their first meeting, they at last came to an agreement at Abchester, near Ayton, on the 18th of the month, that the assurance should be continued until Michaelmas following, as had been concluded before at Berwick, and from thence till Candlemas 1384; and that on the first of July 1383, the duke of Lancaster and earl of Carrick, or in room of these, if lawfully hindered, the second in dignity after them in each nation, should hold another march day at Lyliot's-cross, in order to try again to determine the matters in debate between the two nations.

While the duke of Lancaster was thus employed in the borders, the mob in the counties near London made that dreadful insurrection so famous in the English history, and which brought sudden destruction on many of the chief men of the kingdom. There was no person among these more hateful to the rabble than the duke of Lancaster, whom they regarded as the chief author of their oppressions. They laid in ashes his palace of the Savoy, and had he been within their reach, he must have fallen a victim to their fury. These circumstances, probably unknown to the Scots, at least much better known to the

Richard II. K. of England. 1381.

the duke, made him very condescending in the course of this treaty*; and as an additional mean of gaining their favour, he gave them his obligation, that the annual payments of king David's ransom should be respited during the continuance of the assurance. If the duke was by this conduct consulting his own safety, it must be allowed, that his measures were at the same time salutary to his country. For an invasion of the Scots, in the present distress of England, must have been extremely formidable; as the confusions in England were not quieted till some time after the conclusion of this assurance; and as the duke had not only the fury of the commons, but the spite of some of the nobles to contend with. He chose to make Scotland his sanctuary; and having received letters of safe-conduct and protection from the Scottish king and his nobles, he went to Edinburgh, where he resided until he found he could return with safety to his own country. During his distress from the commotions of England, the earl of Northumberland had treated him disrespectfully; and as he was upon his return, a fresh provocation was given him from the same quarter. Northumberland, by virtue of his commission and instructions, as lord warden of the marches, had forbidden Sir Matthew Redman, captain of Berwick, to allow any coming from Scotland to enter that place. By this injunction Redman thought himself obliged to deny the duke of Lancaster and his retinue the liberty of passing through Berwick. The duke, greatly incensed, complained to the king. The earl no less boldly defended every part of his conduct†. They both came to a parliament that met in the beginning of November, accompanied with great numbers of their armed attendants; and it was not without much difficulty that the king composed their quarrel, by prevailing with the earl to ask the duke's pardon.

Rym. vol. vii. p. 314.

K. K. Col. 2642.

At the time agreed upon at Abchester, the duke of Lancaster and earl of Carrick came again to the borders. They met at Lyliot's-cross, and continued their conferences at Morehouslaw, from the 2d to the 12th of July. They were principally employed in redressing the infringements, which had been made on each side, of the assurance concluded two years before. During that interval, the Scots had attacked the castle of Wark, and demolished some part of it. It was now agreed, that six gentlemen of figure, chosen out of each nation, with the advice of proper artificers and others, who had formerly been acquainted with the building, should present upon oath a just estimate of the sum requisite to repair the damage it had suffered; and that the earl of Carrick should cause that sum to be paid to the king of England's chamberlain, in the castle of Roxburgh, within three months after the date of the present agreement. In the instrument drawn up on this occasion, the other

A. D. 1383. Rym. vol. vii. p. 403.

* It may perhaps be regarded as a mark of Lancaster's temporising, that in this treaty with the prince of Scotland, he does not assume his title of king of Castile, but contents himself with that of duke of Lancaster.

† There is in the public acts an order from the king, dated 5th July, to the earl of Northumberland, to raise, in concert with the duke of Lancaster, a sufficient body of armed men for the security of the duke's person against the malice of his enemies, in his way towards the king; and the earl himself is charged to accompany him. Rymer, vol. vii. p. 319. An order of the same kind is given to lord Neville.

breaches

breaches of the assurance are only mentioned in general, and ordered to be examined into and repaired with all convenient expedition, by the several wardens *. And as to the other questions about the violations of the principal truce and manner of redressing them, formerly agitated at Ayton, the duke of Lancaster declares, that he adheres invariably to what he there proposed. It was farther agreed, that the assurance should continue inviolate till the Candlemas following. And as it was declared in the original deed of the present truce, that it was entered into, in the hope of settling a full peace, it was agreed, after various conferences on this subject, that the king of Scotland should inform the king of England, by a letter to be delivered at Roxburgh before the 8th of August next, whether it was his pleasure that a treaty of peace should be held in England; and upon his consent thus signified, it was agreed on the part of the king of England, that he should certify the king of Scotland by a letter, delivered at Melrose before the 8th of September, concerning his pleasure in that matter; and also where he intended to assemble his parliament: and in case of their mutual agreement to proceed to a treaty, the king of Scotland should send his ambassadors with full powers and instructions to the place of meeting of the English parliament, which the English king was to call before Martinmas.

Robert Stewart, K. of Scotland. 1383.

These appearances, however, of a disposition in the two nations to restore peace, were without effect, and any professions of such a disposition on the part of the Scottish king even appear to have been delusive; for on the 20th of August he ratified by his oath, at Edinburgh, a treaty lately concluded with Charles VI. king of France; whereby the latter became engaged to send an aid both of men and money into Scotland, when that nation should enter into an open war with England. As soon therefore as the truce expired, the Scots renewed hostilities, and recovered in February the castle of Lochmaben, which had been long in the possession of the English. The loss of Lochmaben made the latter anxious to provide Roxburgh with all things necessary for its defence, and to intrust it to the keeping of an able captain. But as Graystock, who was appointed to that charge, was upon his way to the castle, with a convoy of ammunition and provisions, and also a great quantity of valuable goods, and furniture of his own; the earl of March attacked the incumbered train from an ambush, and made an easy prey of Graystock himself, and all that he carried along with him. About Easter, the Duke of Lancaster invaded Scotland, and embraced the opportunity he had given him of shewing his gratitude for the hospitable reception he had met with at Edinburgh three years before, by sparing that city when he had it in his power to destroy it. Hard weather, and scarcity of provisions, obliged him soon to return to England; and he was scarce gone, when the earl of Douglas took ample revenge by

Rym. vol. vii. p. 406.

A. D. 1384. Buchan, l. 9. p. 169. Rud. Edition.

* The lord Neville appears, at this time, to have been the warden of the eaſtern march on the ſide of England. He, and the earl of March, or others named in their ſtead by the duke of Lancaſter and earl of Carrick, who acted at theſe meetings as lieutenants, and ſpecial commiſſioners of the two kings on the borders, are appointed to meet at Billy-mire, on the 25th of Auguſt, in order to ſettle mutual reparations of the breaches of the aſſurance.

Richard II. K. of England.

1384. April 23. Rym. vol. vii. p. 425.

attacking the English border, and is particularly said in this expedition, which was the last of his life, to have driven the English out of Tiviotdale, and to have recovered all the places of strength which they had held there ever since the battle of Durham, Roxburgh only excepted. Before Lancaster left the North, he entered into a contract with Henry Percy, earl of Northumberland, whereby the latter obliged himself to reside on the marches for their government and defence; and was empowered by Lancaster, acting in quality of the king's lieutenant on the marches of Scotland, to levy and array the forces of the northern counties, in order to repel any invasion of the Scots. As a reward for himself, and a fund for maintaining garrisons in the town of Berwick, and the castles of Carlisle and Roxburgh, for the space of six weeks, he was to receive £4000. He had also power to put men into the castles of Norham and Wark, at his discretion, reserving the * tower or keep to the government of the lord or constable of these places. Soon after, a truce was concluded between France and England in the neighbourhood of Boulogne, wherein the Scots were comprehended as the allies of France. But the borderers taking advantage of a delay in intimating this comprehension to the king of Scotland, made mutual incursions under their several chieftains. These hostilities, however, were interrupted for a while by a truce agreed to at Ayton †, by commissioners from the kings of England and Scotland. This truce was, agreeably to the terms of that before concluded in France, to continue until the first of October at sun-rising, and by a subsequent meeting of commissioners from all the crowns at Boulogne in September, was prolonged till the first of May in the following year.

Rym. vol. vii. p. 434.

Walf. p. 311.

In the time of this truce, and about the end of the year in which it was concluded, the castle of Berwick was seized by the Scots; being betrayed into their hands for a bribe, by its deputy governor under the earl of Northumberland. The news of this event arriving at London, during the session of a parliament, which met in November, the duke of Lancaster improved it against the earl, with whom he was still at variance. By the procurement of the duke, Northumberland was accused of treason before the parliament, found guilty, and forfeited. All this was transacted in the earl's absence, who had not obeyed the summons given him to the parliament; judging his presence more necessary near the marches for the defence of his country. His behaviour there, soon recovered him from the ruin with which he was threatened. For, as soon as he was informed of the castle being in the hands of the Scots, he assembled a great force in order to reduce it; but the severity of the season making it difficult to regain it by a siege, he followed the example that had been lately set him by his enemies; and the Scottish garrison,

* *Dongeon* in old French, the language of this inſtrument, the ſame as *Donjon* in more modern ſtyle.

† The commiſſioners who met in the church of Ayton were, John biſhop of Durham, John Neville lord of Raby, and maſter John Waltham ſubdean of York, for the king of England; and John earl of Murray, Archibald Douglas lord of Galloway, James Douglas, lord Dalkeith, Thomas Erſkine, and maſter Duncan Little provoſt of St Andrews, for the king of Scotland. Rymer.

besides

besides the safety of life and limbs, having received from the earl the sum of 2000 merks, surrendered the fortress into his hands. This opened a way to his obtaining the king's pardon, notwithstanding the opposition of the duke of Lancaster. The king, in the plenary remission granted to him, takes notice, that the castle of Berwick, since his accession to the throne, had been twice in the hands of the Scots; but that the loss of it had happened without fault of the earl, and that he had recovered it each time with great labour and expence. For which reason the king pardons the crimes wherewith he was charged, with all their penalties and forfeitures, and restores him to all his honours, and all his possessions, whether held in his own right, or in that of his consort Maud de Lucy.

Robert Stewart, K. of Scotland. 1384.

Rym. vol. vii. p. 463.

Soon after the expiration of the truce between the kingdoms, John de Vienne admiral of France, in fulfilment of the treaty between the French and Scottish kings, made two years before, arrived in Scotland, with about two thousand auxiliaries, and 50,000 livres in gold. The king of England, in order to repel the efforts of the Scots and their allies, which were rendered the more formidable by the French meditating at the same time an invasion by sea (from Sluys in Flanders), marched in person into Scotland at the head of a very numerous army. The French admiral, agreeably to the instructions he had brought from home, pressed the Scots to give their enemies battle. When other obvious arguments against this did not avail, the earl of Douglas carried the Frenchman to an eminence, from which he had a view of the English army on its march: seeing the vast disproportion of strength, he did not farther insist on what he had before proposed; but concurred in the methods, so often successfully practised by the Scots, of distressing their enemies, and disappointing their most formidable efforts. The English advanced through a country deserted by its inhabitants, who had carried with them to their inaccessible retreats, every thing necessary for the subsistence of an army; and the number of the invaders was so great, that the fleet which attended them, and from which they drew all their supplies of provisions, was soon exhausted of its stores: so that Richard in a short time found himself under a necessity of returning homewards, after losing, by famine as well as by the sudden attacks of the flying parties of Scots, a considerable number of his forces. Great devastations however were committed on the country. Edinburgh was burnt, and also the abbey of Melrose *. Mean while the Scots under the earls of Fife, March, and Douglas, crossing the western border, plundered and laid waste the country as far as Newcastle, and are said to have taken and demolished the fortresses of Wark, Ford, and Cornhill. By this the return of the English was also hastened, in order to defend their own country,

A. D. 1385. Buchan, l. 9. p. 170.

* The king, as an indemnification to the abbot and convent of Melrose, for the destruction and burning they sustained at this time, made them a grant, four years after, of two shillings on each sack of wool of the growth of Scotland, to the number of one thousand sacks, that they should send to be exported from the town of Berwick upon Tweed; which two shillings was to be allowed out of the custom due to the king, for each sack, by the collectors of the customs of his wool, shides, and woolfells, in the port of that town. This grant is made at Westminster, October 15, 1389, about a month after the king had assumed the administration of the kingdom into his own hands. Rym. vol. vii. p. 646.

Richard II. K. of England. 1385.

but the Scots had still the address or agility to avoid a rencounter with their adversaries, and carried home in safety the great booty they had gained. As the season was not far spent when the English army left the country, the Scots resolved to attempt the reduction of Roxburgh, in which they expected great assistance from the superior skill and practice of their French auxiliaries in conducting sieges. But in the progress of this enterprise, the discords, which on several occasions had formerly arisen between the forces of the two nations, came to an height. For the French pretending, that the town and castle when taken ought to be delivered up to them, and to become the property of their master, as a just return for the great expence he had been at in sending them over, and for the services to be performed by them in carrying on the siege; and the Scots showing a just resentment against so arrogant and tyrannical a claim; the siege was abandoned: and the French soon after returned to their own country, with many complaints of the barbarity of their ancient allies. A great multitude of those on whom they had committed extortions, assembled to hinder their embarkation, until they should make compensation for the damage they had done; nor were they suffered to sail till their leader consented to stay behind, in order to make the reparations required. Some French writers ascribe these dissentions to the gallantries of the admiral and his officers with the Scotch ladies, which were no less provoking to the king and his nobles, than their insolence and rapacity were to the common people.

Juvenal des Ursins, legendre

A. D. 1386. Rym. vol. vii. p. 526.

Hostilities, without producing any remarkable effect, were continued on both east and west borders, until the middle of summer in the following year, when a truce was concluded, at a meeting held at Billy-mire, between the earls of March and Douglas, wardens of the east march of Scotland, and lord Neville warden of the east march of England. This truce was to continue till the last day of May *, in the following year, at sunset; and though it chiefly regarded the peace of their own districts, which, during that time, they engaged to maintain inviolate; yet they mentioned in it a meeting of commissioners from both kingdoms, to be held at a place fixed by the wardens, about the middle of the next month of March, to treat of a peace or long truce between France and Scotland on the one part, and England on the other. In this truce are particularly comprehended the garrisons and inhabitants of the castle and town of Berwick, and those of the castles of Roxburgh and Jed, who were allowed not only to have a free and undisturbed communication with England, but also to purchase necessaries in Scotland, within the distance of two miles to the west and north of them. For the greater security of this truce, the lord Neville granted his protection to the inhabitants of Tiviotdale; but those of Jed-Forest were declared to be comprehended in the truce itself. It was also agreed, that the possessions which were held by the king of England and his lieges in the sheriffdom of Berwick, at the expiration of the truce of fourteen years (that is in 1383), should continue as they were at that time. These particulars serve to shew the state of the eastern part of the Scots border at this period. The only places of strength retained upon it by the

* That is, till the end of feed-time; it was afterwards prolonged to 19th June. Ib. p. 583.

English

English were, Berwick, Roxburgh, and Jedburgh. They retained also some part of the county of Mers; but as Tiviotdale had been recovered from them only two years before by the earl of Douglas, the English warden still considered the inhabitants as a sort of rebels, and would only consent to give them a protection. Robt. Stewart K. of Scotland 1386.

On the expiration of this truce, the Scots made a successful inroad over the western march; but nothing of that kind is recorded as having happened on the eastern. On the contrary, towards the end of the year, the earl of March appears to have been in a state of peace with his neighbours, by his having obtained a safe-conduct from the English king to enter his kingdom with a hundred horsemen in his train, and to remain there for half a year. But this period was scarce expired, when the earl, with his brother John earl of Murray, and James earl of Douglas, at the head of 3000 men, entered England over the eastern border; while the earls of Fife and Strathern, sons of the king of Scotland, invaded it on the other side with a numerous army. The Scots had little resistance to apprehend in this invasion; the English being fully occupied by the civil dissentions between king Richard and his parliament. But though the greater army of Scots carried on their devastations without opposition, yet the smaller body met with a formidable army to encounter on their return. For while, instead of pursuing their march homeward with the rich spoils they had amassed in the county of Durham, they were making an unseasonable show of prowess, by attacking some small castles that lay in their way; they were suddenly attacked in their camp near Otterburn, in Ridisdale, on a summer evening, by Henry sirnamed Hotspur, lord Percy, and his brother Ralph, at the head of an army almost thrice as numerous as that of the Scots. In this battle, fought chiefly by moon light, after extraordinary feats of valour performed on both sides, the English were at last defeated, and both the Percys were made prisoners *; but earl Douglas, the principal leader of the conquering side, and to whose valour the victory was chiefly owing, was slain in the field of battle†, after having penetrated through the thickest ranks of his enemies. Sir Matthew Redman, governor of Berwick was pre-

A. D. 1387.

Dec. 12.

Rym. vol. vii. p. 565.

A. D. 1388. Buchan. l. 9. p. 173, 174.

Aug. 5. Fordun.

Froiſſard, vol. iii. c. 125, 126, 127, 128, 129.

* Harding ſays, that Henry was led to Dunbar,

Henry was taken there anone,
To Dunbar led, for whom was made great mone.

† The principal perſons ſlain on the Scottiſh ſide, beſides the earl of Douglas, were the earl of Menteith, Sir D. Scott, Sir Walter Steward, Sir James of Augurſtone, Sir Charles Murray, Sir Hugh Maxwell: on the Engliſh ſide were ſlain, Sir John Fitz-hugh, Sir James Harbottle, Lovell the earl of Northumberland's ſtandard-bearer. Old Song, Battle Otterbourne, in Dr. Percy's Reliques, vol. i.

Barry, a canon of Glaſgow, who writes a long account of this expedition in monkiſh verſe, publiſhed in the continuation of Fordun, ſays, that beſides earl Douglas there fell in this engagement Robert Harte, John Towers, knights, William Muſhet de Monte fixo, Simon Glendonwyn, a young gentleman of the name of Glenſtan and another called Wedderburn. He does not mention who were ſlain on the Engliſh ſide.

Many readers will think the account of this expedition into England, and of the battle of Otterburn, ſhort and imperfect. Buchanan gives a circumſtantial and very elegant account of both. But as moſt of the particulars related by him and Froiſſard, are not to be found in the continuator of Fordun, nor in the Engliſh hiſtorians, the author probably did not think them worthy of credit, and for that reaſon has not inſerted them in his hiſtory.

sent

Richard II. K. of England. 1388.

sent in this battle. As he was flying from the field with the rest of the scattered host, he was singled out by Sir James Lindsay, one of the pursuers, who, from the beauty of his armour, judged him to be some person of great eminence: after being pursued for three miles, and finding his horse spent with fatigue, and that it would be impossible for him to escape, he alighted, and bravely waited on foot the approach of his pursuer; Lindsay, in an instant put himself in the like posture; a fierce conflict ensued, wherein the Scotchman having better armour than his antagonist, prevailed; and Redman, having surrendered himself a prisoner, obtained leave to depart, on giving his oath, that he would return to the victor in twenty days. This was an usual practice among the borderers, which mutual conveniency had taught them; and nothing was held more infamous than a violation of faith in such cases. An opportunity was soon afforded Redman, of shewing his gratitude to his generous adversary; for Lindsay, after dismissing his captive, having perceived at some distance a great body of armed men, rode straight up to them, not suspecting that they were enemies: they were, however, the forces of the bishop of Durham advancing too late to the assistance of Percy. Lindsay, having approached too near to make his escape, became their prisoner and was carried to Newcastle; there he was found out and known again by Redman, who treated him with great humanity, and dismissed him free to his own country*. So strangely was the ferocity of these warriors blended with generosity and good faith; and indeed, were it not for the mixture of these opposites, war would soon destroy its own resources.

Buchan, l. 9. p. 175. Froiffard.

Hostilities still continued on the borders, but without producing any memorable event; until an interruption was given to them by a three years truce concluded at Lelinghen, between England and France, wherein the allies of these powers were, as usual, included. The ambassadors, who were sent from France, to inform the king of Scotland of this truce, found a great army prepared to invade England. The king of Scotland now broken with age, and desirous of an interval of quiet, very readily entered into the measures of his ally. But his own authority, joined to that of his nobles, had much ado to hinder a mutiny in the army, who by being dismissed to return to their homes, considered themselves as defrauded of the spoils of the English, which they made no doubt of gaining in the intended expedition.

A. D. 1389. Rym. vol. vii. p. 622.

Robert III. K. of Scotland. A. D. 1390. April 19. July 16.

Robert, the king of Scotland, died the year following; and was succeeded by his eldest son, John earl of Carrick, who, on his ascending the throne, assumed the name of Robert, and is known in the catalogue of Scotch kings by the name of Robert III. Soon after his accession, he swore to the observation of the late truce, in the presence of deputies from the king of England†. This truce was by different prorogations extended to Michaelmas

* Either this is a miſtake, or Lindſay had ſoon after been made a priſoner anew. At leaſt, there is an order of king Richard, with advice of his great council, to Henry Percy earl of Northumberland, not to diſmiſs Sir James Lindſay, who had been lately made a priſoner, either for pledge or ranſom, until he received further orders from the king and his ſaid council. Rym. vol. vii. p. 607. This order is dated 25th of September, at Cambridge, where the king held a parliament after harveſt. Walſ. p. 335. (ap. Tindal's notes on Rapin.)

† Theſe were, Gerard Heron and John Mitford.

1398. So long a cessation from war was in a great measure owing to the weak and distracted domestic state of the three nations of France, England, and Scotland; arising from the frenzy of Charles VI. of France, the incapacity of Richard of England, and his foolish attachment to favourites, and the infirmity of the Scotch king both in body and mind, which rendered him obnoxious to the ambition of his brother the earl of Fife; whose great object was to support himself in the management of all public affairs. The turbulent spirits in these several countries, not sufficiently checked by the supreme authority, and wanting their favourite occupation of war with their neighbours, exhibited many violent scenes of faction and sedition at home. It was no doubt the result of some quarrel with the administration in Scotland, though the particulars of it are not known, that induced the two great border-chieftains of Scotland, the earls of March and Douglas, during the time of the above-mentioned truces, to enter into treaties with the king of England for giving and receiving aid, and by which they were to engage to pay him certain services during their lives. The commission issued by the king of England, to negociate such treaties with those earls, is still extant, though it is not known to what issue they were brought.

Robert III. K. of Scotland. 1390.

A. D. 1395. Rym. vol. vii. p. 755.

Three years after, king Richard married for his second wife Isabella, daughter of the king of France, a child of seven years old. The treaty for this marriage was accompanied with a prolongation of the truce between the kingdoms for twenty-eight years after the expiration of its present term; but though the Scots were, as usual, comprehended in this truce, yet it does not appear that they accepted of it; and their rejecting a truce of so long a duration, was more agreeable to the political maxims which in those times directed their conduct towards England.

A. D. 1396.

The last prorogation of the truce of Lelinghen was still subsisting, when an agreement was made at Dunfermling, between the two ambassadors of the king of England, then attending the Scottish court, and four commissioners appointed by the king of Scotland to treat with them, that a day should be held on the 11th of March next ensuing, at Reading Burn, Carham, or Hauden Stank, places at a small distance from each other on the eastern march, where the earl of Carrick having joined with him in commission, a bishop, an earl, a baron, two clerks, two knights bachelors, and a squire, on the part of Scotland, should meet with the duke of Guyenne and Lancaster, and an equal number of joint commissioners of the same rank on the part of England, who, by virtue of full powers from each king, should redress, and cause to be redressed, all violations of the truce of Lelinghen, and of those subsequent to it. These ambassadors and commissioners at Dunfermling farther agreed, that strict peace should be kept by sea and land, betwixt the two nations, until the day appointed for this meeting, and forty days after, under the penalty of instant restitution of double the value of all damages done, and also of the transgressor incurring the same forfeiture to his king, as if he had broken his safe-conduct. And in order to prepare matters for a clear and speedy decision, it was farther agreed, that all subjects of Scotland, plaintiffs against those of England, should send indented bills of their complaints to the castle

A. D. 1397. Oct. 2. Rym. vol. viii. p. 17.

Richard II. K. of England. 1397.

castle of Roxburgh, to be delivered to the lieutenant or constable of that fortress, who should receive and transmit them to the wardens or their deputies; that these latter might cause warning to be sent to the persons complained of, to find sureties for making their appearance before the lords commissioners at the time and place before mentioned; and that plaintiffs belonging to the kingdom of England should, in like manner, and for the same purpose, send indented bills of their grievances to the abbey of Kelso, to be delivered there to the abbot or his sexton *. It was also agreed, that, if it pleased the wardens of the marches, all prisoners taken on each side during the truce, should, within eighteen days from the date of the present treaty, be bailed until the march-day now appointed, when the lords commissioners should determine with regard to them: and the wardens, or their deputies, were to give mutual intimation of their pleasure in fourteen days; and if they agreed to the bailing of prisoners, whoever stood out against it should lose his action, and forfeit for ever the ransom of the prisoner he detained. In conclusion, it was agreed, that mutual resentments, arising from the riots by which the truce had been infringed, should be no hinderance to the peace and security of passing to and attending the meeting now appointed.

A. D. 1398. Rym. vol. viii. p. 35.

In pursuance of this treaty, David earl of Carrick, eldest son of the king of Scotland, accompanied by his uncle Robert earl of Fife, Walter bishop of St Andrews, David lord Lindsay, and other deputies and commissioners from the Scottish king, met on the day prefixed at Hauden-Stank, with John Duke of Guyenne and Lancaster, eldest of the surviving sons of Edward III. and first prince of the blood in England, accompanied by John bishop of St Asaph, Thomas earl of Worcester†, William earl of Wilts, and other deputies and commissioners from the king of England. On the fifth day after, an indenture or ordinance was drawn up, containing the articles they had concluded in the course of their conferences. These articles begin with the appointment of three knights and a squire on each side, as deputies for the execution of the points agreed on ‡. The first of them is, that the truce then subsisting be punctually kept in all its articles, until the Michaelmas ensuing; and if any castle or fortress had been built in breach of the present truce, it should be immediately demolished, and those who erected it punished as the truce required. It was farther ordained, that all who occupied houses or lands in the neighbourhood of the castles of either nation, should faithfully pay and perform the duties appointed by the truce now in force; and where debates arose betwixt the captains of the castles and such occupiers, they should be determined by the conservators of the truce or their deputies,

March 16.

* *Segiſtayne*, in the original treaty; the ſame as *ſegerſtayn* or *ſacriſtain*.

† Sir Thomas Percy, brother to the earl of Northumberland, had been created earl of Worceſter, in the parliament held in the preceding September, commonly called the *Great Parliament*, in which the Duke of Glouceſter, with the earls of Arundel and Warwick, were condemned as traitors for the rebellious meaſures they had taken, to limit the king and puniſh his favourites, in 1386, 1387, 1388.

‡ Thoſe on the part of England were, Gerard Heron, Thomas Gray of Horton, knights, and John Mitford; and on the part of Scotland, William Lindeſay, William Steward, John Ramorgny, knights, and Adam Forſter, or Forreſter.

agreeably.

Robert III. K. of Scotland. 1398.

agreeably to the tenour of the truce, in three months after due requisition made by either party; or sooner, if circumstances allowed. All prisoners of the one or other side, made since the beginning of the truce, were appointed to be instantly and freely dismissed; and what they had paid, either in part, or in full, of their ransoms, was ordered to be immediately restored. With regard to all other injuries and damages, the deputies were ordered to cause reparation to be made; one complaint on either side, being successively heard and redressed for one of the other; and they were enjoined to appoint restitution of the double, for damages done since the late indenture at Dunfermling, if required on either side; provided the like were made by the other. The commissioners also, by virtue of the full powers granted them by their sovereigns, agreed, that the truce should be prolonged from the Michaelmas next ensuing, to the same term in the following year. In conclusion, they ordained, that if, in breach of the present truce, any man should be killed on the one or other side, the murderer should be put to death; *because he had committed the said murder against the tenour of the truce which his lord and liege sovereign had sworn to observe.*

This treaty and ordinance of the lords commissioners was not ratified by the king of England until six months after. In the interval Sir John de Ramorgny and Adam Forrester esquire were sent ambassadors to England from the Scottish king; by whose solicitations this ratification seems, not without difficulty, to have been obtained. Soon after granting it, the king of England commanded the indenture to be sealed with the seals of his commissioners, and delivered at Kelso on the 16th of October next ensuing; on condition of receiving the counterpart thereof, under the seals of the commissioners of Scotland. The execution of laws and treaties among such a race of men as the borderers, enured for generations to rapine and deeds of violence, could not fail to be slow and difficult; and hence, notwithstanding the strictness of the late ordinance, and the high rank and authority of those by whom it was framed, it appears to have been very imperfectly executed. In order to remedy these defects, and for the mutual redress of all grievances on either side, the king of England engaged to send two knights and a squire to Hawden-Stank, to meet, on Monday the 21st of October, with commissioners of the same number and rank from the king of Scotland. Those commissioners were to be impowered to take cognizance of the faults of officers as well as others, and to appoint such punishments and redress as the cause required. The preparatory measures for holding this day were ordered, much in the same manner as had in the preceding year been agreed upon at Dunfermling: and such matters as the commissioners could not settle for want of sufficient evidence, or any other cause, were to be delayed until the octaves of Candlemas; when the dukes of Lancaster and Rothesay, with proper attendants from each kingdom, should be at certain places near the borders, in order to fix a march-day to be held by them*.

Sept. 22.

Rym. vol. viii. p. 45.

The

* These particulars are taken from a paper in old French, published by Rymer containing answers of the king of England to the requeſt of the Scotch ambaſſadors. It is dated October 8.

Richard II. K. of England.

1398. Rym. vol. viii. p. 54. Oct. 26.

The commissioners on the part of England at the meeting in October were, Sir John Bussy*, Sir Henry Green, Master William Ferryby clerk, and Laurence, Drew esquire; on the part of Scotland, Ramorgny and Forrester, late ambassadors to England, and Sir William Borthwick. These met at Hawden-Stank, probably on the day appointed; and after holding their conferences through the week, drew up a convention, dated on the last day of it, of which the following are the principal heads. The dukes of Rothesay and Lancaster having, at their meeting in March, ordained, that all prisoners made on both sides since the truce of Lelinghen, should be freely dismissed, and that those who had paid ransom should have it restored to them before Midsummer last; and it appearing that this ordinance was not yet fully executed, it was now agreed and appointed, that due and full obedience should be given to it; so that those who were still detained prisoners, should be set free before the feast of All-Saints; and such as had paid ransom, should have it restored to them before Candlemas next ensuing: for the fufilment of this, the earl of March, warden of the east-march of Scotland, and Sir Henry Percy, warden of the east-march of England, were mutually obliged by their letters, for their bounds lying opposite to each other. Sir Richard Rutherford, Sir William Stewart, Walter Scot, Thomas Turnbull, and Robert Lauder, became sureties for the earl of Douglas's bounds of the middle march; and Sir Thomas Gray of Heton, Sir Thomas Gray of Horton, Robert Umfranville, and Thomas Knayton, for Sir Henry Percy's bounds of the east march, which were probably those that lay opposite to the bounds of the earl of Douglas before mentioned. These sureties mutually plighted their faith for delivery of prisoners and restitution of ransoms within their limits; and the commissioners bound themselves, in name of their sovereigns, for prisoners and ransoms that lay without the bounds of the marches. And, in case of prisoners being detained in contravention to the present ordinance, those who detained them should be compelled by the lords commissioners to be nominated by both kings, in manner after mentioned, at the meeting of these commissioners, not only freely to deliver their prisoners, but to indemnify them for the damage they had sustained by their detention beyond the term limited by the present ordinance; and also to pay the lords commissioners the value of the prisoners ransomed, as a fine for their disobedience; and in case of ransoms not being restored at Candlemas, those who with-held them should be obliged to refund them to the parties, and to pay double to the lords commissioners for their disobedience. It was farther agreed and ordained, that all prisoners taken on both sides, since the 16th of March last, should be speedily and freely delivered, with their horses and harness on condition of restoring

In the interval between this and the meeting in March, David earl of Carrick had been created duke of Rothesay (the first duke created in Scotland). His uncle Robert earl of Fife was at the same time created duke of Albany.

* Bussy was speaker of the commons, in the parliament called the Great Parliament, held in September of the preceding year. He and Green were also two of the six commoners who, together with twelve peers, were by that parliament appointed commissioners for determining such matters as the parliament had left undecided. Parliam. Hist. vol. i. p. 462, 492. They were both hanged at Bristol, on the Revolution, in 1399.

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Robert III. K. of Scotland. 1398.

the damages they themselves did at the time of their being taken: and if any such prisoners had been ransomed, and their ransoms paid in whole or in part restitution should be made before Candlemas, under the penalty of paying double, in the manner before appointed. Bailed prisoners also, and sureties for ransoms, were appointed to be freely discharged from their obligations to pay, or re-enter into custody: an exception was made, under this head, of Adam Gordon, William Baird, and Adam French, for whom the Scots commissioners became bail; obliging themselves, in name of their king, and under penalty of £3000 to present these offenders, *hale and sound*, before the ensuing meeting of the lords commissioners of both realms, to undergo judgment in matters laid to their charge; and also, that they should not violate the truce in the interval. And the reason assigned for exception of these men was, their being notorious truce-breakers; who, during the present truce, had done infinite mischiefs, the cognizance whereof the present commissioners thought it best to leave to the great lords who were to succeed them. It was farther agreed and ordained, with regard to native Scots who had been received to the fealty of England, and dwelt on the marches of that kingdom, and Englishmen who had in like manner changed their dwelling and allegiance, that as these were charged by common fame with being the chief instruments of disturbing the peace of both realms, there should be no Scotchman admitted to the fealty of the English king, nor Englishman to that of the king of Scotland, until the lords commissioners aforesaid should report this article to the kings of each nation; and if approved by them, it should be observed during the remainder of the truce: and in the mean time, those Scotchmen who had been received to the fealty of England since the beginning of the truce, should be obliged before next Candlemas to remove their dwelling to the south of the river Tyne; and the Englishmen settled in the same manner on the Scottish borders, should be obliged, before the same term, to remove their dwelling from the marches as far as Edinburgh. The commissioners (finding that many and great trespasses had, since the beginning of the present truce, been committed on both sides, which still continued unredressed, and which at present they had not sufficient leisure to discuss) agreed and appointed, that the wardens of the marches, in their own persons, or by their deputies, should hold days of redress each month *, wherein they should proceed agreeably to the tenour of the indenture made at Hawden-Stank, in March last, such bill of grievance, as pleased the party of England to present being first discussed; and next one from Scotland, to be determined and redressed in the same manner. And if, through default or negligence of the wardens, or their deputies, any trespass remained unredressed, the lords commissioners should, before all other things, take cognizance of such injurious delays, and inflict exemplary punishment on those found guilty; and that the lords might have clear knowledge by whose default it had come to pass that

* The wardens of the middle march, or their deputies, were appointed to meet at Gainlifpeth, on the day after Martinmas, and fo on from month to month, at days and places which they themfelves fhould fix. The wardens or deputies of the eaft march were to meet on the Thurfday fe'nnight after the day of the prefent convention; their place of meeting not mentioned.

Richard II. K. of England. 1388.

redress was not made, the wardens or their deputies were appointed to record the transactions of each day's meeting. In case of any new excesses being committed, as carrying off or killing men, seizing of goods, burning of houses, or taking castle or fortress, the wardens of the marches were appointed, as soon as required, to bring the offenders, if found within their bounds, to their trial by march-law; and whoever was convicted of such trespasses, was to be delivered up to the party injured, to suffer death or pay ransom, at pleasure of said party. The garrisons of the castles were not to disturb the inhabitants of the country, nor any man to trouble the garrisons, in purchasing and carrying victuals and moveables to their castles; and the inhabitants of the country were to do and furnish what was due from them to the castles agreeably to the truce. For the fulfilment of the above articles, and other affairs concerning both kingdoms, it was agreed, that the duke of Rothesay, or some other great lord of the royal blood of Scotland, should be at Edinburgh, and the duke of Lancaster, or some other lord of the royal blood of England, should be at Newcastle; each attended by such council as the kings of each nation should appoint; and upon a day in the ensuing spring-months, which should be mutually certified before Christmas, by each of the kings; and that from these places they should interchangeably send messages to fix a day for their meeting, either at Hawden-Stank, or any other place more agreeable to them. It being also a part of the charge of the present commissioners, to fix a day for the kings of each nation swearing to the observation of the present truce, as prolonged by the convention in March last. It was agreed, that the king of Scotland should give notice* to the king of England, before Christmas, on what day he might be found in a convenient place for the king of England sending his envoys to witness his swearing to this truce, and for the Scottish king sending to the king of England for the same purpose; and the reason assigned for this delay is, that the king of Scotland was at present occupied in places to which it would not be easy for the envoys of England to come into his presence. The convention concludes with the usual allowance, to follow stolen goods from the one realm into the other with hound and horn, which no person was to hinder under the pain of life and limb; and with an appointment, that damages which had been already recovered before the wardens or their deputies, should be paid before Candlemas next.

Oct. 26. Rym. vol. viii. p. 57.

The commissioners had another meeting at the same place, on the Monday following, in which, by virtue of the indenture made in March last, certain Scotch merchants, together with two knights, Sir John Hamilton of Cadyow, and another knight of the same name, of Finyngalton, who had been taken at sea by the English, were freely delivered up, notwithstanding the pretended accusations brought against them; and also the ship in which they were taken, with its cargo, or the full value of both, was ordered to be restored. At the

* This notice having been accordingly sent, Gerard Heron knight, and John Skelton, esquire, received a commission, dated the 14th of January to witness the king of Scotland making this oath. Rymer, vol. viii. p. 65. And the king of England made oath to the same effect, in presence of Sir John Hamilton and Adam Forrester esquire. p. 69.

same

same meeting, Sir Philip Stanley, captain of Roxburgh, presented a bill complaining of the son of the earl of Douglas, and sundry men of his company, whereof Sir William Stewart was one, for having broken the bridge of Roxburgh, burnt and plundered the town, made a breach in their walls and burnt their hay and fewel, amounting to the damage of £2000. Sir William Stewart being present on the field, was compelled to make answer to this complaint; and his answer was, that the breaking of the bridge, and burning of the hay and fewel, were done by the order of his lord, who thought he might do them lawfully, notwithstanding the truce, because these things were the property of Scotchmen; yet he could not say whether or not it was altogether justifiable: but if the commissioners should determine it to be a violation of the truce, due reparation should be made. As to the burning and spoiling the town, he consented to make redress; this having been done against the prohibition of his lord, and also against the truce. The commissioners having heard this answer, and judging the affair too high for their decision, referred it to the cognizance of their lords *.

Robert III. K. of Scotland. 1398.

The duke of Lancaster, named in the convention at Hawden-Stank, as the lord of the royal blood of England, who was to be sent commissioner to the marches in the ensuing spring, dying in the beginning of February, the duke of Albemarle, son of the duke of York, and cousin-german to the king, was appointed to that office. With him were joined in commission the bishop of St. Asaph, the earl of Salisbury, and also Bussy, Green, and Drew, the commissioners in last October. They had given them in charge, not only the business relating to the marches, assigned them by the late convention, but also to treat of a peace, or long truce, with the king of Scotland; and to endeavour to bring him to an agreement, to give no protection to the king of England's rebel subjects, but to seize and deliver them up to the king, or his wardens on the marches, on condition that the king of England should treat in the same manner the rebellious subjects of Scotland. It was of the utmost moment for Richard to be in such terms of peace and friendship with the king of Scotland, both on account of the discontents that prevailed among his subjects, and of the expedition he was about to undertake into Ireland. It is not however known, whether Albemarle and his fellow-commissioners did ever meet with the commissioners from the king of Scotland, or what was transacted between them. The period of the unfortunate Richard's reign was now fast approaching. His cousin Henry duke of Hereford, returning with a handful of followers from his exile in France, and landing on the coast of Yorkshire, under pretence of seeking the restitution of his father the duke of Lancaster's estate, which after Lancaster's death had been seized by the king, was soon joined by such vast numbers, and had so great an advantage given him by Richard's absence in Ireland, that abandoning all moderate views of redress, he openly aspired to the crown. His way to it was rendered very easy by the powerful faction which the uncles of Richard had long maintained against him, and the

A. D. 1399. Rym. vol. viii. p. 69, 72.

* It does not seem clear, whether they meant the kings their masters, or the lords commissioners who were to succeed them. The latter seems more probable.

general

Richard II. K. of England.

1399.

Rym. vol. viii. p. 89, 95.

general disgusts that had been given by the weak and arbitrary conduct of the king himself. Henry mounted the throne vacant by the forced resignation and parliamentary deposition of Richard, the last of September. The two great chieftains of the northern marches *, Henry Percy earl of Northumberland, and Ralph Neville earl of Westmoreland, with their warlike followers, joined Henry soon after his landing, and were his principal aids in effecting this great revolution †.

* Harding says, That Henry Percy earl of Northumberland, and Sir Henry Percy his son, surnamed Hotspur, were at that time *wardens of the march severally*.

The same author relates, That the duke of Hereford swore upon the sacrament before the Percies and Westmoreland at Doncaster, that he would claim no more than his mother's heritage, and his father's and his wife's lands; and that the Percies having sent their forces home, while Henry kept his, and those of some of his friends with him, he was thereby enabled to seize the throne. Harding, p. 195, 196.

† In reward of their eminent services, the earl of Northumberland was created constable, and the earl of Westmoreland marshal of England for life, on the very first day of the king's reign; and the earl of Northumberland had soon after conferred on him the lordship of Man.

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND.

## BOOK. VI.

THE truce between Robert III. of Scotland, and the late king Richard, expired just at the very time that Henry IV. mounted the English throne, at least there is no evidence of its being prolonged beyond the Michaelmas of this year. The Scots freed from this restraint, and encouraged by the confusions in England, the absence of the northern lords, and the pestilence which then raged in these parts of the kingdom, made an inroad into it; where they took the castle of Wark, and after having held it for some time, abandoned and utterly demolished it. They also committed great inroads in several other places of the country. While they were carrying on this work in Coquetdale, they were attacked by Sir Robert Umfranville *, the chief lord of that district, at a place called Fulhoplaw, in which conflict Sir Richard Rutherford and his five sons were taken prisoners, also Sir William Stewart, John Turnbull, sirnamed *Out with the Sword*, and many others. There was for some time a great appearance of their being powerfully seconded in these hostilities by the king of France, who was highly incensed at the deposition and imprisonment of his son-in-law. But the menaces of France, and plottings of his friends, served only to hasten the fate of the unhappy Richard, who, about the beginning of the following year, was starved to death in the castle of Pomfret. Soon after this event, the truce of twenty eight years was confirmed by the monarchs of France and England; but the king of Scotland refused to be comprehended in it. A principal reason of this, according to the Scots historians, was the conduct of Henry, with regard to George Dunbar, earl of March; who, abandoning in discontent his native country, had entered into a treaty with the English king, and been received into his protection. This

Henry IV. K. of England. Robert III. K. of Scotland. 1399.

Walsing. p. 362. J. Stow, p. 324.

A. D. 1400. Jan. 6.

Rym. vol. viii. p. 145.

Ib. p. 138.

* This Sir Robert Umfranville is said by Harding, in the preface to c. 198, to have been made knight of the garter, and captain of Roxburgh.

powerful

Henry IV. K. of England. 1400.

powerful chieftain was provoked to this defection by an injury and affront received from king Robert, in breaking off a match that had been concluded between his eldest son and the earl's daughter. The earl of Douglas, jealous of the aggrandisement arising from this alliance to the family of his neighbour, and thinking his own better entitled to so high an honour, prevailed with the duke of Albany, who entirely governed the affairs of his weak brother, to have the contract between the duke of Rothsay and the earl of March's daughter annulled, and his own daughter substituted in her place. It is also said, that a sum of money, that march had paid as part of his daughter's dowry, was iniquitously detained. The English king had appointed the earl of Westmoreland, and the abbot of Alnwick to treat with the Scottish earl in the month of March; and when the king was come to Newcastle, on his expedition against Scotland, the earl met him, in order to perfect his agreement with Henry himself. By an indenture drawn up in that place, the earl obliged himself to surrender, or renounce all homage, fealty, and service to Robert, pretended king of Scotland, before the 23d of August next: in consideration whereof, the king, within that period, or two days after, engaged to grant, by his letters patent, to the earl, his wife, and their heirs male, an estate in Lincolnshire, and an assignment on the customs of a town in that country, to the amount of five hundred merks a year, and also another manor for the earl's life *. In return for this grant, the earl obliged himself to perform liege homage and fealty, without exception, to the king of England; and within fourteen days, from the date of this agreement, if the king should then be entering Scotland, to send his son Gawin † as an hostage to remain at his court. It was also agreed, that from the date of this contract, the subjects of the king of England should support (*a*) the earl in time of necessity; and in like manner should be supported by him, and received into his castle of Dunbar, or other fortresses: and on the other hand, that the earls men should be sent when necessary, to supply the garrisons of the castles of the English king in Scotland, and be received and supported (*b*) in these castles. When the earl of march went into England, he had committed his castle of Dunbar to the keeping of Robert Maitland of Lidington his nephew; but the king of Scotland being informed of March's perfidy, sent the earl of Douglas to require the surrender of that castle: Maitland obeyed the summons; and March, on his return, finding his principal place of strength in the hands of his rival, immediately retired into England with his wife, family, and friends. In conjunction with Lord Percy, he sought his revenge, by making inroads into the territories of Douglas; and, at the head of two thousand men, these chieftains penetrated as far as Haddington. When they had ravaged the adjacent country, and collected much spoil, the earl of Douglas came suddenly upon them at Linton: alarmed by his unsuspected approach, they abandoned both their prey and baggage; and betak-

Buchanan, l. 10. c. 5.

Rym. vol. viii. p. 133.

July 25. Ib. p. 153.

(*a*) Suppowaile in orig.

(*b*) Suppowailet Buchan.

Ib. l. 10. c. 6.

* The caſtle and lordſhip of Somerton was the *eſtate*; the *aſſignment* was on the cuſtoms of St Botolph; the *manor*, for the earl's life, was the manor of Clippeſton, in the foreſt of Shirewood.

† Gawin Dunbar was his third ſon. Crawfurd's peerage.

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ing themselves to a precipitate flight, did not stop till they reached Berwick *. Robert III. K. of Scotland. 1400.

The English king entered Scotland about the 8th of August, with a numerous army. Before he left Newcastle, he wrote letters to the king and prelates of Scotland, requiring them to meet him at Edinburgh on the 23d of August, in order to pay him liege homage and fealty. He also gave a commission to three knights, and as many squires, to deliver these letters to the persons to whom they were directed, if they could conveniently obtain access to them; otherwise to read them publicly by way of proclamation at Kelso, Dryburgh, Gedworth, Melros, and Edinburgh, and other public places of the kingdom. From the places mentioned in this commission, it would seem, that Henry, in entering Scotland, took the road by Kelso towards Edinburgh. His stay in Scotland was very short; for he had come back to Newcastle in the beginning of September. Finding that there was no prospect of bringing the Scots to a battle, having in vain attempted to reduce the castle of Edinburgh, which the duke of Rothesay kept, and beginning to be distressed with bad weather and scarcity of provisions, he returned to his own kingdom; having treated his enemies in the whole course of the expedition with remarkable lenity. This behaviour he affected to have ascribed to his gratitude to the Scots, for their seasonable hospitality to his father, in the time of Wat Tyler's rebellion; but the consideration of danger, to which they were exposed from domestic enemies, was a cogent motive with both father and son, to court the friendship of their formidable neighbours †.

Rym. ib. 155, 156.

Rym. ib. 159.

Henry persisting in his pacific views, and the Scots, it is probable, being softened by the usual lenity exercised in the late invasion; a truce for six

Rym. vol. viii. p. 166, 167.

* The dates of the transactions of the earl of March with the king of England, as they appear in Rymer, are proofs, among many others, of the inaccuracy of the Scottish historians. They represent his expedition into Lothian, in company with Hotspur, as subsequent to his castle being seized by orders of king Robert, and as happening in the month of February; whereas it appears from the indenture at Newcastle, that March was still possessed of his castle, when he concluded his bargain with Henry. It is also plain, that he was residing in Scotland about the end of June, from a safe conduct, dated at Pomfret on the 21st of that month, for his coming into England to a conference with the king, Rymer, ib. p. 149. The kings were still treating at this time about accommodating their differences. John de Merton, archdeacon of Tiviotdale, and Adam Forster had been envoys on this errand from the king of Scotland. They left Henry at York, on the 22d of June, and their safe-conduct, for seven weeks after that date, bears, that they proposed to return upon the same progress to whatever place the king should happen to be at in England. (Ibid.) Sir John Swinton, an eminent knight, within the territories of the renegado-earl, obtained, soon after, a safe conduct for coming to the presence of the English monarch. (Rymer, ib. p. 151). Henry and he either did not conclude a bargain, or Swinton (as is hinted in Stowe, p. 328.) had broke it; for the latter fell two years after in the battle of Homeldon, fighting on the side of the Scots.

† In this war, Sir Richard Rutherford and his sons, and John Turnbull, surnamed *Out with the Sword*, as is related above, had been made prisoners. Henry gave an order, dated the 30th of October, to the earl of Northumberland, to command the English captains, or others who had taken the persons above-named, together with some other Scottish captains and leaders of men at arms, whose names are not mentioned, not to ransom or set free these prisoners without farther orders, under pain of the highest forfeitures. Rym. tom. viii. p. 162.

While Henry was in Scotland, Harding says, the Scots burned Bamburghshire in Northumberland, both wardens being gone with the king, c. 200.

Henry IV. K. of England.

A. D. 1401.

weeks was, on the 9th of November, concluded between the deputy wardens of the marches. During the course of this, another truce was concluded at Kelso on December 21, by special commissioners from each king *, that seems to have continued all the following year. In this interval the duke of Albany following the example of barbarous ambition, that had been lately given in England, famished to death, to the castle of Faulkland, his nephew the duke of Rothesay, apparent heir to the crown. In the neighbouring kingdom, Henry was employed, though with little success, in quashing the insurrection of Owen Glendower in Wales, which had begun last year, soon after his leaving Scotland.

Buchan, l. 10. c. 10.

A. D. 1402.

In the year following, hostilities began anew between the neighbouring kingdoms. The earl of March had, in the preceding summer, received from Henry a grant of the manor of Clippeston, in the forest of Shirewood, as had been agreed in the indenture made at Newcastle. He had also in fulfilment of the same contract, obtained an order to the wardens of the English marches and other officers, to admit himself, his men, and subjects †, into the castles, fortresses, and walled towns of the kingdom of England, or within the king's dominion in Scotland, with licence of remaining and withdrawing at their pleasure; but under condition that they should come into such places in moderate numbers: and, at entering, engage themselves by oath to a peaceable and faithful behaviour. In the spring of this year a farther grant was made to the earl of 400*l.* a year, during the continuance of the war with Scotland, on condition of his finding twelve men at arms, and twenty archers on horseback, to serve the king against the Scots. The earl's son, Gawin, was also retained in the king's service, by a pension of 40*l.* a year during pleasure. It seems probable, that some other Scotchmen were at that time disposed to follow the example of March; for in a commission given to the two Henry Percies, the earl of Northumberland and his son, and to Ralph Neville ear of Westmoreland, to treat with the king of Scotland, they are at the same time particularly empowered to receive into the king's protection and obedience, all manner of Scotchmen, who were inclined to submit to him, and become his lieges.

Rym. p. 205.

Rym. vol. viii. p. 212.

March 13. Ib. p. 245.

April 17. Ib. p. 251.

Buchan. Holingshed.

The earl of March and his followers, in conjunction with the English borderers, began, on the expiration of the truce, to infest the Scottish marches. In order to repel and revenge their depredations, Archibald earl of Douglas, who had the chief direction of military affairs in Scotland, sent forth parties under different leaders and in different directions. Thomas Haliburton, lord of Dirleton, was one of these captains; who, having ravaged the country near Bamburgh, returned safe with great spoils. Patrick Hepburn, younger of Haills, was not so fortunate: he had penetrated farther into England, with more numerous forces, and was returning with a greater booty; but trusting

* The English commissioners for negociating the truce concluded at Kelso, were, William Fulthorp, and Gerard Heron, knights; John Mitford, Esq; and Mr Allan Newark, clerk; the Scottish were Sir William Borthwick, Sir John Ramorgny, and Adam Forster, Esq. The same persons were appointed on each side to be witnesses of the kings of each nation swearing to the observation of this truce.

† *Subditi sui.*

too

too much to his strength, and probably thinking himself at a safe distance from his adversaries, he was suddenly attacked at West Nesbit in the Mers, by the earl of March or his son: Hepburn himself, with the flower of the youth of Lothian, fell in the battle; and John and William Cockburn, Robert Lauder of the Bass, John and Thomas Haliburton, with many others, were taken prisoners. The earl of Douglas, eager to revenge so considerable a loss, entered England about the middle of August, at the head of an army consisting of ten or twelve thousand men; in which were many of the most eminent persons of the kingdom. This army destroyed and plundered the country as far as Newcastle*; but as they were returning, the earl of Northumberland, and his son Henry Hotspur, with George Dunbar earl of March, and several northern barons and knights, came up with them near Wooler, posted on the hill of Homeldon, about a mile to the N. W. of that place: the English seized a hill over against it, placing their archers in the interjacent valley between these eminences: these quickly dispersed the archers of the Scotch army; and the forces on the higher part of the hill being galled by their arrows, earl Douglas led them bravely down, to come to a close fight with the English; but the English archers falling back as the Scots advanced, and still making a furious and incessant discharge of arrows, which no armour was able to resist†, the Scots were soon totally routed. Sir John Swinton and Adam Gordon rallied part of the broken army, and endeavoured to renew the battle; but their men were dispersed, and they themselves slain. The pursuit of the Scots was continued to the Tweed; in which many, not knowing the fords, and entering the deep parts of the river, were drowned. The earl of Douglas having lost an eye, and received five wounds, was taken prisoner. There were also taken, Murdoch earl of Fife, son to the duke of Albany, the earls of Murray, Angus, and Orkney, the lords Montgomery and Erskine Stewart of Innernethy, Sir Patrick Graham, Sir Robert Logan, Sir Adam Forster, and about eighty other knights. There were slain in the engagement, John Levingstone of Kalender, Alexander Ramsay of Dalhousie, with many others of the Scotch nobility and gentry, and seven hundred common men: so that this battle is justly reckoned one of the most fatal to Scotland that ever happened on the borders. No person of note on the side of England fell, or indeed fought in this engagement: the victory being entirely the work of the English archers‡.

Robert III. K. of Scotland. 1402. June 22.

Rym. vol. viii. p. 272.

Ib. p. 278.

Sept. 14. Holy Rode day. Hard.

Stowe, p. 328. Holing. p. 254. Carte, vol. ii. p. 655.

* The counties of Northumberland and Cumberland had suffered so much by the incursions of the Scots, that at the request of the parliament, the king remitted to them all taxes and debts due by them to the crown. Rym. vol. viii, p. 283.

† Stowe says, that the armour of earl Douglas and his accomplices, had been three years in making, p. 328.

Old Song of Chevy-Chace says, that at Homeldown six and throtte Scottish knights, on a day were beaten down, Glendale glytteryd on their armour bright, over castill, towar, and town. Rel. Eng. Poet. vol. i.

‡ Henry settled a pension of 40*l.* a year on Nicholas Merbury, an esquire of the earl of Northumberland, in reward for bringing him the first certain intelligence of this victory: In the grant of this pension, which was confirmed by his son Henry V. it is said, that four earls, several barons and bannerets, with a great multitude of knights and esquires, both Scots and French, were taken; and a great multitude killed and drowned in the water of Tweed. Rymer, vol. ix. p. 26.

Henry IV. K. of England.

1402. Sept. 22. Rym. vol. viii. p. 278.

Henry, in the congratulatory letters * he wrote to the Percies, and the rest of his leaders in this battle, strictly charged them not to ransom, nor dismiss, on whatever security, any of their prisoners, without his express allowance. This prohibition is said to have provoked, in old Northumberland and his son, a resentment, which not long after broke out to their own destruction. Their anger however must either have been long concealed, or the king must have been seeking to pacify it, when about six months after, he made a grant to the earl of Northumberland of all the lordships and estates in Scotland, that had been possessed by the three late earls of Douglas, or were possessed by the present earl of Douglas or his mother Johanna†, and also of the county of Tiviotdale, as the reward of his late successful expedition against the Scots. These possessions of the Douglas family, the king affirms, that the earl and his followers had in this expedition subdued; though the Scotch writers only mention his besieging in vain the castle of Cocklaw in Tiviotdale. Posterior to this grant, a commission was issued at the request of the earl of Westmoreland, nominating the lord Lovel and eight others, whereof four were clerks, to examine and decide certain differences that had arisen amongst the vassals of Westmoreland and those of the two Percies, about their right to prisoners taken in the battle of Homeldon; which could not be properly determined by the two earls, though judges in the king's military court; nor by Henry Percy the son, who was a judge in such matters, on the marches of Scotland; because of the particular interest they had in these actions. It is not improbable, that an appointment of this kind would give great offence to men so mighty, and accustomed to such arbitrary power over their extensive domains as the Percies then were ‡. But

A. D. 1403. March 2. Rym. vol. viii. p. 289.

Ib. 290.

March 9. Ib. 292.

* Such letters were directed, beſides thoſe to the Percies, to George Dunbar earl of March, Ralph baron of Greyſtock, Sir Henry Fitz-Hugh, Ralph Ewer, the lieutenant of Roxburgh and conſtable of Dunſtanburgh. One view of the king in detaining theſe priſoners, appears to have been, to make a parade of exhibiting them to his parliament, that met on the firſt of October. On the 20th of that month, the earl of Northumberland and other lords brought before him into the parliament houſe, where he ſat on his throne; Murdoch Stewart, ſon to the duke of Albany, the lord Montgomery, Sir William Grave, and Sir Adam Forſter, Scots; and Sir James de Helſey, Sir Pierce Hazars, and John Darney, eſquire, Frenchmen. Having made their obeiſance, Sir Adam Forſter, in name of them all, humbly prayed the king that they might be treated according to the courſe of the war; which, on account of their being taken while fighting in the field of battle, was readily granted. After this, Sir Adam declared, that, in conſequence of the late victory, it was now in the king's power to obtain a final peace, or a *league* with Scotland. Upon which the king told him, that, by his own flattery and falſehood, he had learned to be wiſer than to truſt them; as he (Forſter) had engaged the king, relying on his word, to leave Scotland ſooner than he intended to do. For this Sir Adam aſked pardon, and then they were committed to the care of the ſteward of the houſehold, to wait the king's pleaſure. Parl. Hiſt. vol. ii. p. 73.

† Crawford calls her Margaret. She was daughter and ſole heir of the lord Bothwell. The particulars mentioned in this grant are, the earldom of Douglas, the valleys of Eſkdale, Liddiſdale, and Lauderdale, the lordſhip of Selkirk, and foreſt of Etrick, and all other eſtates and lordſhips held by the preſent earl of Douglas, his mother, or three predeceſſors; the lordſhip of Galloway, the town of Annan excepted: then the county of Tiviotdale is granted, (with the exception of the caſtle and town of Roxburgh, and the town of old Roxburgh) and alſo the barony of Sprowſton, with all the dependencies of each, which are ſaid to have belonged to Ralph Neville, late lord of Raby, John his ſon, or Ralph the ſon of John, then earl of Weſtmoreland.

‡ Harding ſays, that king Henry blamed Henry Hotſpur for not bringing to him his priſoner the earl of Douglas, as his father had brought the earl of Fife. But Hotſpur detained Douglas, becauſe

But whatever were the particular provocations, it is certain that the earl of Northumberland, his son Henry Hotspur, and his brother the earl of Worcester, entered into concert with the rebels in Wales, and joined in their project of deposing the king and advancing Mortimer the earl of March to the throne *. The earl of Douglas, prisoner to the younger Percy, engaged to join in this enterprise, on condition of being restored to his liberty, and rewarded with the town of Berwick, if the undertaking succeeded. He was also permitted to go into Scotland, to raise a body of his friends and clients to assist in the war. In the battle of Shrewsbury, where this quarrel was decided, and young Henry Percy fell, earl Douglas, after performing the noblest feats of heroic courage, was taken prisoner; and the success of the king was very much owing to the address and bravery of the Scottish earl of March and his son, on whom he soon after conferred ample rewards. The old earl of Northumberland, at the time of his son's setting out on this fatal expedition, lay sick at Berwick† As soon as he was able, he directed his march towards his son, at the head of a good body of troops; but finding the earl of Westmoreland in his way, and also receiving intelligence of the defeat and death of his son, he retired to his castle of Warkworth. Being soon after ordered to attend the king at York, he obeyed the summons, and made the best apology he could for his conduct. This was so far admitted, that the king contented himself with securing his person; for the castles of Berwick, Alnwick, Warkworth, and others, were then held by the earl's men, and his vassals had many other strong places in Northumberland; so that a revolt of that province to the Scots was apprehended as the consequence, if severer measures should be taken against their lord. The gentlemen, however, of the country, besides renewing an oath of fealty to the king, were required to swear, that they would not give the earl of Northumberland counsel, aid, or service, against Henry or his heirs‡.

Robert III. K. of Scotland. 1403.

July. 22.

Rym. vol. viii. p. 322, 323.

In the course of this year, Henry gave three different commissions to treat with the king of Scotland about a peace or truce. He also gave his safe-conduct to deputies sent from the French king, to inquire if his ally of Scotland would be comprehended in the long truce that had then subsisted between France and England. It had been given out for some time, and the

Rym. ib. 321. 332, 345. August 6. Sept. 23. Dec. 24. July 22. Ib. p. 318.

because if he had sent him he saw no hope of grace from Mortimer, who was his wife's brother, and was then king Henry's prisoner. After promising, however, out of regard to his own present safety, to fetch Douglas to the king, he retired from the court, secretly, to Berwick, and saw the king no more till he met him in the field at Shrewsbury. Harding, p. 201.

* Harding relates, that all the lords of England had promised, by their letters to Percy, to assist him in dethroning the king, but *brake all their behete*. In the preface to his 203d chapter he says, that all the lords deceived the Percies that were bound to them by their seals except the earl of Stafford; which letters, adds he, I saw in the castle of Warkworth, when I was constable under my lord Sir Robert Umfranville, who had that castle of king Henry, his gift by forfeiture of the earl of Northumberland. Harding, p. 201.

† Harding says, that he failed his son in an evil hour, and that he died for foul, without wit or rede.

‡ The persons appointed to administer this oath were, John Woderington, Gerard Heron, and John Mitford. To the oath itself, in the French language, are subjoined, the following names, John Wyderington, John Mitford, Henry Thorp, John Wyderington, John Mitford, Henry William Clifford, Gerard Salvayn, William Fulthorp, William Fulthorp, John Dokwray, esquires. Rymer, Boynton, knights; William Newson, Alexander Blenkinsop, John Dokwray, esquires. Rymer, ib. p. 322.

report

Henry IV. K. of England.

1403.

report was credited by many of both nations, that Richard was still alive, and had taken refuge in Scotland. Henry, solicitous to avoid the hazards arising from a pretender to his crown, courted very diligently the friendship of the Scottish king. But there doth not appear any proof of his success until the following year; when commissioners from both kings meeting in the castle of Pontefract *, did, on the sixth of July, conclude a truce, to continue from the 20th of that month to the following Easter, on the footing of the truce last concluded at Hauden-Stank, between the dukes of Rothesay and Lancaster. And because certain articles of that truce appeared of dark and doubtful meaning, it was agreed, that commissioners of equal number and rank from each king, should, on the eighth of next October, meet at Hauden-Stank, in order to ascertain, fix, and declare, the true sense of such ambiguous clauses; and also to treat of a peace, or truce, and the mutual redress of injuries.

A. D. 1404. Ib. 363.

July 9.

About the same time, and in the same place, and with the same view of security on the side of the north, the king and his council made an agreement with the earl of Northumberland, by which the earl engaged to deliver up, before the feast of St Margaret, to persons having commission from the king, the castle of Berwick, and also the castle and forest of Jedburgh, with all their dependencies, which had been granted by a charter of Edward III. to the earl's grandfather, Henry lord Percy, and his heirs: he consented also to resign an annual revenue of 500 merks out of the customs of the town of Berwick. In return the king, with assent of the states of his kingdom, to be assembled in parliament before the middle of December, or in case a parliament should not be held in that interval, with the assent of his council and the other states of his kingdom, which he promised to convoke within that time, engaged to settle on the earl and his heirs, lands and tenements equal in value, and accompanied with the same honours, that belonged to the possessions now resigned. In case of failure of the king's part of this covenant, all things were to be restored to the earl, in the condition wherein they were at present held by him; but if the king should fulfil it, all the goods in the said castles that belonged to the earl, or the value of them was to be delivered up to him. This agreement was confirmed by the oaths of the king and his counsellors, on one part; and of the earl, on the other. The earl had been brought before a parliament that met this year, to be tried for his conduct for the part he had in his son's insurrection. The lords found him guilty only of a trespass, subjecting him to a fine, to be imposed at the pleasure of the king. This the king remitted; but his jealousies were not removed. With a view of giving more favourable impressions of his loyalty, the earl brought along with him to Pomfret his nephews and their sons. He was also attended by Sir William Clifford †, who had been intrusted by him with the keeping of

Rym. vol. viii. p. 364.

Stowe, p. 330.

* The Engliſh commiſſioners were, Sir Ralph de Eure and Sir Roger Leeke; and the Scottiſh, Sir David Fleming, and Sir William Muirhead.

† This Clifford, or one of the ſame name, had the keeping of the fortreſs of Faſtcaſtle in Scotland; which the king, by an order, dated at Lichfield, Auguſt 29, requires him to deliver up to the king's ſon, John duke of Bedford, warden of the eaſt marches, on the feaſt of St Mary's Nativity, September 8. Rymer, ib. p. 370.

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the castle of Berwick, and had refused to deliver it up to the king's orders. Clifford merited his pardon by carrying along with him William Serle, whom he had got into his hands by a stratagem; and who being a fugitive in Scotland, had distressed Henry by spreading a report, that Richard II. whom Serle had served as a gentleman in his chamber, was still alive in that kingdom.

Robert III. K. of Scotland. 1404.

In pursuance of the agreement made in July at Pomfret, commissioners were nominated by the king of Scotland, to meet on the day prefixed, at Hauden-Stank, with others from the king of England; and such powers were given them as that treaty required. But this meeting does not seem to have been held; for in the beginning of March, in the following year, the king of England appointed commissioners* to meet on the 24th of that month, and at the place above-mentioned, with others equal in number and rank from the king of Scotland, in order to explain the obscurities mentioned in the treaty at Pomfret; their powers being extended to give also a fair and reasonable interpretation of what was thought obscure in the truce of Lenlinghen, which was the ground-work of *that* concluded seven years ago between the dukes of Rothesay and Lancaster. From the powers and instructions of the English commissioners it appears, that the obscurity so often mentioned, lay in that article, by which it was ordained, that those who possessed lands or houses in the neighbourhood of the castles of either kingdom, should pay and perform the duties required by the truce then in force (that is the truce of Lenlinghen). The commissioners of the English king were empowered to settle, in concert with those of Scotland, the precise limits and kinds of lands and possessions, with their possessors and inhabitants, that ought, by virtue of these truces, or either of them, to belong to the castles of Roxburgh, Berwick, Jedburgh, and all the other fortresses and castles of the king or his subjects, situated on the marches between the kingdoms, or within the kingdom of Scotland. And in the instructions given to these commissioners, they were charged to require of the commissioners of Scotland, to admit the article contained in the truce of Lenlinghen, relating to the castles, in this sense, that the inhabitants lying nearer the castles of the king of England than those of the Scots, should pay to the governors of such castles the duties that had been exacted in former times. The commissioners, however, were instructed, in case of a positive refusal of the other side to comply with this demand, to recede from it, in the handsomest manner they could; and to put off to some subsequent meeting, the farther consideration of the obscure words and articles in question. Whether a meeting was held at Hauden-Stank, in consequence of this commission, or what was there transacted, does not appear. But new powers were given about the middle of the following summer, to John the king's son, constable of England and warden of the east march, to negociate and conclude a truce with deputies on the part of the kingdom of Scotland, to continue until next Easter; and, in orders directed to the northern sheriffs, for arraying the fensible men of their counties, to repel an invasion at that time threatened by

Rym. ib. 369.

A. D. 1405. March 5. Rym. ib. 384, 385.

July 8. Ib. p. 403.

In Sept. Rym. ib. p. 414

* The Engliſh commiſſioners were, Henry biſhop of Bath and Wells, Ralph earl of Weſtmoreland, Henry lord Fitz-Hugh, Ralph Iver, Robert Umfranville, Thomas Colville, John Mitford, knights; Mr Allan Newark, clerk, and Rowland Vaux, eſquire.

Robert

Henry IV. K. of England. 1405.

Robert duke of Albany, it is affirmed, that such an invasion would be in breach of the truce then subsisting between the English king and kingdom of Scotland *.

This summer produced a new conspiracy and insurrection against the king of England, wherein the earl of Northumberland joined the archbishop of York, Thomas Moubray son to the late duke of Norfolk, hereditary earl Marshal, lord Bardolf, and others. Although in appearance reconciled to the king, Northumberland had suffered from him, in his family and interest, what he never could forgive. Besides the fall of his son in the battle of Shrewsbury, and the execution of his brother after it, the post of high constable which Henry had conferred on himself for life, and the wardenship of the east marches, which had been possessed by his son Hotspur, were given to the king's third son, John of Lancaster, afterwards duke of Bedford; and the wardenship of the west marches, which old Northumberland himself had held, was conferred on his rival neighbour the earl of Westmoreland: the jealousy entertained by the king, farther appeared by the resignation he had demanded from the earl of the castles of Berwick and of Jedburgh; these irritations were extended to the earl's friends and clients, by the king's appointment of commissioners to compound with such as had followed the earl in his late insurrection, and to grant them particular charters of remission, on their paying the fines required; although an act of grace had been passed, comprehending all such offenders. The activity and art of the earl of Westmoreland, seconded by John of Lancaster warden of the east marches, defeated the whole project of this new insurrection in its very beginning: while the earl of Northumberland was preparing to join his forces to those of the archbishop of York and the earl Marshal, these, his confederates, were seized and executed as traitors at York. The king himself, on his arrival at Pomfret, issued orders to the wardens of the east and west marches, to confiscate all the lands, fortresses, and other possessions, of the earl of Northumberland; and soon after, having received intelligence that the earl and a great number of his traitorous friends and accomplices, adherents of the king's enemies of Scotland †, were at that time in the castle and town of Berwick, from whence they infested the king's faithful subjects in the adjacent country, he issued orders to the sheriff

June 8.

Pomfret. June 4. Ib. p. 399. Rippon. June 10. Ib. p. 400.

* The duke of Albany, in this paper, is called pretended governor of Scotland. It appears, from an order of the king to John Topcliff, his ferjeant at arms, dated at the caſtle of Pomfret 22d of Auguſt, that the earl of Dunbar's fortreſs of Colbrandiſpeth was then in the keeping of his ſon George, as his lieutenant, by conſent of the king of England. The king had allowed George to employ and deal with Scotchmen, in order to provide victuals and other neceſſaries for his garriſon: but as a ſhipmaſter, called Chriſtol, with ſeven other marines, were employed in this work, Rowland Heron and Thomas Hilter, two ſoldiers of the garriſon of Berwick, ſeized theſe men with two of their ſhips and cargoes, and carried them with an armed force to Berwick. The ferjeant at arms is ordered to find out the offenders, and to reduce, or, if neceſſary, to compel them to make reſtitution and redreſs for the injury and violence they had committed. Rym. ib. p. 410.

† The charge againſt the earl in the parliament held in the following year, wherein he was forfeited, was his ſending Sir Robert Boynton and two others into Scotland, on June 10, to negociate an alliance with Robert III. and ſome French commiſſioners, for promoting their mutual intereſts and views. Carte, vol. ii. p. 667. The letters of credence, that Boynton and his companions had from Northumberland for this purpoſe, were produced in parliament.

of

of Yorkshire, to summon the whole military force of that country, to attend him at Newcastle, in order to proceed against these traitors. The king is said to have collected for this expedition an army of thirty-seven thousand men. He also carried along with him artillery and engines necessary for taking places of strength. The earl of Northumberland, too weak to withstand so great a power, fled into Scotland, accompanied by lord Bardolf; and carrying along with him his grandson, the son of Henry Hotspur. Sir William Graystock was intrusted by him with the keeping of the castle of Berwick, which he attempted to hold out in hopes of succour from Scotland. But the first shot from a cannon of a large bore*, having demolished a considerable part of one of the towers, the garrison, thrown into a consternation, made an immediate surrender. The king ordered the governor, and some of the chief persons in the castle, to be beheaded †, and others to be committed to prison; and the other fortresses in Northumberland possessed by the earl, were in a short time, and with little opposition, reduced ‡.

Robert III. K. of Scotland. 1405. Carte 665. Stowe, p. 333. Speed.

Many of the Scotch prisoners, taken at the battles of Homeldon and Shrewsbury, had been ever since detained in England. Some of these the king offered to restore, if their friends or kindred would seize Northumberland and Bardolf, and deliver them up into his hands. Sir David Fleming of Cumbernauld, whose guests these refugees were, gave them timely notice of their hazard; and assisted them in making their escape into Wales, where they joined Owen Glendourdwy, still in arms against Henry. Fleming was soon after killed by some of those whose project he had disappointed; and such a series of domestic quarrels ensued, as obliged the Scots to consent to a truce with England. This seems to be the truce last mentioned, which John of Lancaster had received powers to negociate. Soon after it was concluded, James, the only surviving son of the king of Scotland, a youth of about fourteen years of age, was put on board a ship privately at the Bass, in order to be conveyed to France. This step is ascribed by the Scotch writers, to the dread entertained by the king and his friends, of the immoderate ambition of the duke of Albany, to which the life of the duke of Rothesay had a few years before fallen a sacrifice. The vessel, that carried the young prince, passing near the coast of Yorkshire, was, notwithstanding the truce, seized by the English; and Henry was not so scrupulous an observer of public faith, as to think of restoring so valuable a prize. The distress occasioned by this miserable event, is said to have broken the heart of the old king; but his death happened not so soon as most Scotch writers relate; for Robert did not die till April 4th in the following year.

Walsingham. Stowe. Carte.

A. D. 1406.

* Speed says, from Walsingham, that this was the first time a cannon was used in England.

† Sir Henry Bolton and Blenkensop; Prendergest and others escaped by sea. Hard.

‡ According to Harding, the castle of Warkworth was surrendered to Henry as he marched northwards, after a siege of eight days. The garrison had liberty to go where they would with horses and harness. The castle of Alnwick was yielded to the king without resistance, on his return from Berwick, by Henry Percy of Athol and William Clifford, who obtained the same conditions as the garrison of Warkworth had done. The captains of Alnwick being summoned by the king as he passed northwards, answered, That let him once win Berwick, and they should yield. Wynne Berwick ones, he should have his entent. Hard. p. 203.

Henry IV. K. of England. James I. K. of Scotland. 1406.

The duke of Albany, with the title of governor, which he had enjoyed while his brother yet lived, continued after his death to exercise the sovereign power; and he had grown so fond of this, that he took no effectual step for delivering the young king from his captivity. His own son was likewise still a prisoner in England *, and the earl of Douglas remained in the same state. Such an uncommon store of pledges for the peaceable behaviour of the Scots towards England, produced for some time its natural effect; for truces were renewed from year to year, and there were no hostilities between the nations until after Easter in the year 1409.

A. D. 1409. Stowe, p. 335. Speed, p. 620.

During this interval, in 1408, the earl of Northumberland, accompanied by lord Bardolf, returned from Wales, and being joined by several of his adherents in the north, marched into Yorkshire †. At Thriske, he published a manifesto, containing the reason of his taking up arms; and considerable numbers flocked thither to his standard. But Sir Thomas Rokesby sheriff of Yorkshire, with other knights of that county, levied forces, and attacked him

Feb. 18.

at Bramham-Moor, where, after a sharp conflict, Northumberland was slain on the field, and Bardolf mortally wounded ‡. The earl's head was cut off and sent to London, where it was elevated on a pole, and exposed publicly through the streets, and afterwards set up on the bridge §

The truce that had been last concluded betwixt the kingdoms, expiring in 1409, the commons of Tiviotdale, in the spring of that year, took and plundered the castle of Jedburgh, which having been in the hands of the English since the battle of Durham, proved a continual annoyance to the adjacent country; and that it might no more serve the same purpose, it was with great labour levelled with the ground ‖. The Scots also gained another

Buchan. Ford. l. 15. c. 21.

* Since the battle of Homeldon.

† Other writers say, the earl of Northumberland and lord Bardolf returned from Wales to Scotland, and that they entered England by the northern counties, at the head of some Scottish troops, levied by the connivance of the duke of Albany regent of the kingdom. Rapin, quoting Walsingham, vol. i. p. 499.

‡ For this good service, Henry granted Sir Thomas Rokesby, the manor of Spafford with its appurtenances. Rym. vol. viii. p. 530.

§ Fordun's account of this transaction differs from the relations given of it by the English historians. He says, Northumberland was ruined by the perfidy of Sir Thomas Rokesby, one of his vassals, who advised him by letters which he sent into Scotland, to levy a few Scots and enter Northumberland, assuring him, that he would be immediately joined by such numbers, as would enable him either to dethrone king Henry, or at least to force that king to a treaty, and thereby recover all his former possessions. Northumberland, Fordun adds, trusting to the fidelity of Rokesby, hastened to his destruction. For having fixed upon a day when he was to enter Northumberland, and appointed a place where Rokesby was to meet him, Rokesby betrayed him to king Henry, and collected secretly such a force, as enabled the traitor to cut off both Northumland and his friend Bardolf, at a place called Berrymore. This account of the fate of Northumberland is not improbable, and the English historians, perhaps, have suppressed the treachery of Rokesby, out of flattery to the house of Lancaster. Ford. l. 15. c. 19.

‖ Fordun relates, that a convention *(generale concilium)* held at Perth, resolved, that a tax should be imposed of two-pennies, on every house that raised fire, for defraying the expence of this demolition; but the governor opposed it, saying, that no tax had ever been raised in the time of his government, nor should be raised, lest the poor should curse him, as the introducer of such an abuse: he therefore immediately ordered, that the people of the march should be paid out of the royal customs, for their labour in destroying this castle. Whence he got blessings of the people beyond number.

considerable

considerable advantage this year, in the return of the earl of March to his own country. Having failed of his hopes, or received some disgust at the English court, he entered into measures with the governor of Scotland; from whom he obtained his pardon, and was restored to all his former possessions, excepting the castles of Lochmaben and Annandale, which were given to the earl of Douglas, in compensation of the losses he had sustained from March. James I. K. of Scotland. 1409.

Commissioners were twice appointed this year, to hold meetings on the marches, for renewing the truce, and redressing mutual injuries; and at one or both of these meetings, short truces were actually concluded. This appears from a letter of the governor to the king of England, in the month of May, in the following year, by which he intimates his approbation of a truce lately concluded by commissioners of both nations, on the 21st of the preceding April, to continue until the 21st of May in the ensuing year; and declares it to be his pleasure, that it should be observed, according to the form and effect of the truce that had been agreed on in the foregoing year. The truce of this year was concluded at Hauden-Stank, and the English commissioners employed in it, had a particular charge to require of the duke of Albany, and his commissioners appointed to treat with them, to employ all possible means to procure the return of the earl of Douglas to the presence of the king of England, as his prisoner, as good faith required; and to certify the persons above-mentioned, as also the earl and his friends, that if he did not, in the space of a month from the time of this requisition, deliver himself up to the king, or his son John, warden of the east march, he would proceed to treat the earl's hostages as the laws of arms required; and would also, as occasion offered, prosecute the earl with his whole force, as his prisoner and adversary. This requisition, made in so high a tone, appears not to have been unprovoked. For the earl had, in summer 1408, obtained leave to go into Scotland, upon his obliging himself by indenture to return to his imprisonment on Easter-Day, in the following year; for security of which, he left behind him five hostages, and of these, his sons Archibald and James, were two *: he had also engaged to observe a particular truce, that he had concluded with John of Lancaster, warden of the east march, to be kept for the earl's bounds on the marches of Scotland, from Easter 1408 to Easter 1409 †. He had now delayed his return a year beyond the period agreed, and, to enhance the provocation, in the course of that year, the castle of Jedburgh, situated within the earl's territories, and which had so long been possessed by the English, was taken from them.

In May & Nov. Rym. vol. viii. p. 584, 609.

A. D. 1410. May 6. Ib. 635.

Ib. p. 631.

Ib. p. 536.

* The others were, William Douglas, eldeſt ſon to Sir James Douglas, ſon and heir to the lord of Dalkeith, Sir Simon Glendonnwyn, and Sir Alexander Gordon lord of Stichel.

† In the preceding year 1407, he had on the ſame conſideration of obtaining leave to return to Scotland, obliged himſelf to become the man of the king of England and his four ſons, before all men, and againſt all men, the king of Scotland, James, the ſon of the laſt king deceaſed, alone excepted; and not even to ſerve the king of Scotland, nor any other, againſt the king of England and his four ſons: he engaged farther, that, during his ſtay in Scotland, all his men ſhould be on the ſide of Henry and his ſons, and not againſt them, or any of them; and that on his being fully liberated, he and his men ſhould remain under this obligation, during the term of his life. Ib. p. 478.

Henry IV. K. of England. 1410.

It was perhaps owing to some difficulties with regard to the earl of Douglas, that the king of England doth not appear to have ratified the agreement concluded at Hauden-Stank. The consequence of his refusal was, the continuation of hostilities between the nations, but with a small exertion of force on either side. In the course of these hostilities, Patrick Dunbar, one of the younger sons of the earl of March, accompanied by a hundred resolute men, took by surprise, in the night-time, the fortress of Fast-Castle. The governor Thomas Holden, who, by his continual excursions, had long infested the adjacent country, was made prisoner. And either in this, or the following year, Gavin, another son of the earl of March, in conjunction with William Douglas of Drumlanrig, broke down the bridge of Roxburgh, and plundered and burnt the town. The reduction of the castle they did not attempt, being unprovided with all things requisite for a siege. On the other hand, the English, under Sir Robert Umfranville, who carried along with him in this expedition Gilbert Umfranville titular earl of Angus, a boy of fourteen years of age, who then first displayed his banner, made an incursion into Tiviotdale, wherein he burnt the town of Jedburgh, and a great part of the country adjacent *. Umfranville was vice-admiral of England, and before this expedition by land, had, with ten ships of war, taken fourteen ships, and much rich spoil, in the Frith of Forth, and coasts on both sides of it.

Buchan. Holingſ. Fordun.

Stowe, p. 338. Harding c. 207.

In the spring of the following year, it appears, that the earl of Douglas had made up matters with the king of England, and regained his liberty †. For he and the earl of March, with seven others ‡, had a safe-conduct granted them to come to Hauden Stank, with a competent number of attendants, to meet there with commissioners equal in number and rank from the king of England, in order to treat of a truce between the kingdoms. It is probable, that the terrible commotions in the north of Scotland, occasioned by the revolt and invasion of John of the Isles, which terminated in the fierce and bloody battle of Harlow, prevented the meeting of the commissioners. For a commission was given in the following autumn, to two knights of Northumberland §, to meet with the same commissioners on the part of Scotland, that had

A. D. 1411. Rym. vol. viii p. 682. May 23.

Sept. 24. Ib. 703, 704.

* A commiſſion of array is directed to ſeveral knights, and other gentlemen, in the county of Northumberland, in conjunction with the ſheriff, to raiſe the armed men and archers of that county, in order to repel an invaſion threatened from Scotland. Sir Robert Umfranville is one of this liſt, the reſt are, Sir John Grayſtock. Sir Thomas Grey of Heaton, Sir Robert Ogle, Sir John Widrington, Sir Thomas Grey of Horton, Sir Winſlow Dorſteyner, Robert Harbottle, William Mitford, Robert Tempeſt, John Errington, John Eox, and Roger Fulthorpe, July 5. Rym. vol. viii. p. 369.

† He ſeems to have agreed with the king for his ranſom, and to have left hoſtages for the ſecurity of its payment. Probably his kindred aſſiſted him in this, for in May 1412, an acquitance is given for 700 merks, in part of 1000 due by James Douglas lord of Dalkeith, for the ranſom of William Douglas his grandſon, who remained with the king's father Henry IV. as an hoſtage for Archibald earl of Douglas, lately a priſoner to his ſaid father. Rym. vol ix. p. 7, 8.

‡ Theſe were, the biſhops of St. Andrews and Glaſgow, Maſters John Merton and Alexander Cairns, clerks; William Grame, William Hay, and William Borthwick, knights. The Engliſh commiſſioners were, Thomas biſhop of Durham, and Nicholas of Bath and Wells, Richard earl of Warwick, Ralph earl of Weſtmoreland, Baron Hilton, Sir Thomas Gray, Sir Robert Umfranville, Allan Newark, and Richard Holme, clerks.

§ Sir Thomas Gray and Sir Robert Umfranville.

been

been nominated in May, and for the same end; and it is remarkable, that these two knights had a separate commission, to treat with two Scotch knights*, (who were also in the list of the great commission,) as deputies and commissioners from Robert governor of Scotland. It is probable, that these commissioners concluded a short truce, which was to commence from the feast of All-Saints. For in the following spring, an agreement was made between commissioners from the English king, and the governor of Scotland, bearing, that a particular truce between the kingdoms should subsist and be faithfully observed, from the mouth of Spey to St. Michael's Mount in Cornwall, by land, and a general truce by sea, from the feast of All-Saints last past, until Easter in the year 1418. This truce was of the same tenour, force, and effect, with that conducted at Hauden-Stank, between the dukes of Lancaster and Rothesay; but with the reserve, that, by virtue thereof, no prisoners, that had been taken before the feast of Michaelmas in the year 1410, should regain their liberty.

James I. K. of Scotland. 1411.

A. D. 1412.

The governor of Scotland, growing very old, began to think seriously of regaining the liberty of his eldest son, who had been more than nine years a prisoner in England. But while this was negociating, Henry, king of England died; after having sufficiently felt the misery attending the greatest object of human ambition, when attained and held by injustice and cruelty. It was perhaps, owing to the celebrated honour and humanity of Henry V. his son, that the deliverance of the Scotch king began first to be treated of, soon after Henry's accession to the throne. But the ambitious views of the governor for the aggrandizement of his own offspring, and the mighty projects wherein Henry soon became engaged on the side of France, conspired still to prolong James' captivity. It appears also, that the six years truce above mentioned, which had received the sanction of Henry IV. was some way defective or invalid; perhaps on account of being concluded by Scottish commissioners, who had their powers from the governor alone, without the concurrence of the grandees or states of the kingdom. It is also probable, that the Scottish nobles were in this matter directed by their ancient allies of France. For in the course of this summer and autumn, a truce was concluded between England and each of these nations, to continue until the first of June in the following year. *That* with Scotland †, commenced from the 15th of August, was of the same tenour, force, and effect, with that which was last concluded at Brigehamhaugh; being *particular* by land, from the mouth of the Spey to St. Michael's Mount in Cornwall, and *general* by sea; and is called *a good and lawful truce*, probably to distinguish it from the foregoing, which, from some essential error or defect, was not considered as binding.

A. D. 1413. March 20. Henry V. K. of England.

Rym. vol. ix. p. 5.

A. D. 1414. Rym. vol. ix. p. 60.

In a truce concluded between France and England, in the beginning of the following year, to continue from Candlemas 1414 to Candlemas 1415, the

Rym. vol. ix. p. 91.

* Sir William Hay and Sir William Borthwick.

† The English commissioners employed in this treaty were, Sir Robert Umfranville and Sir Robert Ogle. The Scots were, Sir Patrick Dunbar of Bele, Sir William Hay of Lochorwart, and Sir William Borthwick. Rym. ib. p. 40. 45.

king

Henry V. K. of England. 1414.

king of Scotland was comprehended; and as no hostilities are recorded to have happened during that period, it is likely that the Scots accepted the comprehension *. Edward duke of York had been created warden of the east march, in the room of John of Lancaster, who, in a parliament held at Leicester, in the beginning of last summer, was made duke of Bedford. In the end of the year 1414, he had received powers from the king, by advice of his council, to conclude by himself or his deputies, named by him, either general or particular truces by land, with the deputies of the regent of Scotland, or of the wardens of that nation, or their lieutenants or deputies; under this condition, that the foresaid truces should not exceed a quarter of a year in continuance. This was also the method, at that time followed, in treating with France; the intention of these truces on the part of the English monarch, being only to gain time, in order to make preparations for a war that he had now fully resolved on. Accordingly the truce that expired with France at Candlemas, was continued, by a new agreement, until the 1st of May: and it is probable, that the Scots consented to this prorogation, or made a like treaty with the English warden, although before the expiration of this quarter, preparations were making in Scotland, that gave an alarm on the English border.

Rym. ib. p. 194.

Ib. p. 217.

A. D. 1415. Ib. p. 223.

Henry declared his purpose of undertaking an expedition into France, for the recovery of his inheritance, to a great council of his peers held at Westminster, about the middle of April. At this council, he also declared his resolution of constituting his brother, John duke of Bedford, lord lieutenant of England during his absence. He nominated likewise the lords of his council, of which the earl of Westmoreland was one, and to this lord was committed the charge of the marches towards Scotland; the lords Mauley and Dacre being appointed his assistants in that office. The men to be retained under them for the defence of both east and west marches, were two hundred lances and four hundred archers. The duke of York, though warden of the east march, had not any part assigned him in the care of the marches, because he was going over to France with the king.

Ib. p. 228.

Ib. p. 240.

In the month of May, a commission was given to Sir Robert Umfranville, and to Sir James Harrington, lieutenant of Edward duke of York, as warden of the east march to negociate with commissioners from Scotland, a prorogation of the truce last concluded, or a new truce, for what time they pleased.

Ib. p. 244.

At the same time, there was granted a safe-conduct to seven commissioners from Scotland, (of whom Robert, grandson of the governor, and son of Murdoch, Master or earl of Fife, and George Dunbar, son and heir of the earl of March, were two †,) coming into England, to treat with certain persons appointed by the king, concerning the deliverance of Murdoch from his long imprisonment. The project was, to exchange him for Henry Percy, son and heir of Hotspur, whom the old earl of Northumberland had carried

* The earl of March is comprehended in this truce, as an ally of France, and the lords of Man and the Isles, are comprehended as allies of each power.

† The rest were William Graham lord Graham, John Stewart earl of Buchan, John Stewart lord of Innermeath, Robert Maxwel lord of Calderwood, and Mr Andrew Hawyl parson of the church of Lyston.

with

with him into Scotland, in his flight from Berwick, nine years before; and whom he had left behind him, when he found it necessary to abandon Scotland and seek refuge in Wales. By a happy union of humanity, with good policy, the king in his last parliament, readily granted a petition presented by young Percy, requesting to be restored to the estate and honours of his father and grandfather * Such a restitution, besides being grateful to many of the English nobility, could not fail to win the hearts of the Northumbrians; and it was a point of no small importance to the king to attach these to his interests, when he was on the eve of a war with France; such wars seldom failing to produce an attack from Scotland. And so certain did it seem, that the abovesaid exchange would take place, that the same persons who had the king of England's safe-conduct, in coming into England to treat of it, had another safe-conduct of the same date, to secure their going and returning when they should come to the Calf-hill, in the neighbourhood of Berwick, bringing along with them, and delivering, at that place, young Henry Percy; and, on his delivery receiving Murdoch of Fife, son and heir to the duke of Albany. Notwithstanding these promising appearances, this exchange was not at this time effected; probably through the influence of France with the Scottish nobility. It is likely that Henry, finding the Scots determined against concluding a truce of any length, and preparing to distress his northern frontiers, upon his setting out on his expedition against France, ordered Murdoch, who was actually delivered out of the tower of London, and on his way to Scotland, to be brought back. Not able to brook so sore a disappointment, he attempted to make his escape, but was retaken by Ralph Pudsoy, an English esquire, who, in reward for this service, had a pension granted to him of £20 a year.

James I. K. of Scotland. 1415.

Ib. p. 250.

Ib. p. 280.

Henry, however, still desirous to preserve peace on his marches towards Scotland, appointed and empowered Richard lord Grey, and Robert Ogle, knights, and Mr Richard Holme, clerk licentiate in laws, to meet with commissioners from the governor of Scotland, in any place they should chuse, either in Scotland or on the marches, to treat of a general truce by sea, and a particular one by land, between the two kingdoms. The same persons had another commission, empowering them to negociate with any persons of the kingdom of Scotland, having sufficient powers for themselves and that kingdom either general or particular truces by land or sea, and for what time they pleased, between the king and kingdom of England and the persons aforesaid, for themselves and the Scottish kingdom. These commissions were issued by the king at Southampton, a few days before he sailed for France; and while he yet remained at Southampton, he received intelligence from the North†, that

Ib. p. 303. Aug. 6.

Ib. p. 307, 310.

* To Henry Percy he granted his lands clere,
That to the duke of Bedford then given were. Hard. c. 209.

† This intelligence is said to have been sent from the earl of Northumberland, warden of the east-march towards Scotland, from his castle of Warkworth; and from Sir Robert Umfranville, in letters dated at Berwick. Young Henry Percy was restored to the dignity of earl of Northumberland in the last English parliament, but was not liberated from his captivity in Scotland, till the end of this year, or the beginning of the next. How comes he then to be now at Warkworth, or to be called warden of the east-march, when it appears that the duke of York had that office? Harding.

Henry V. K. of England. 1415.

that the duke of Albany purposed, in a few weeks, to besiege Berwick by sea and land; that, in this undertaking, he was to be accompanied by all the states of Scotland, and an army of sixty thousand men; and that cannon and other warlike stores, necessary for carrying on this siege, were already shipped on board several vessels. The duke of Bedford, regent of England, was in consequence of these preparations, to set out towards Leicester, and to advance farther northwards, according to the intelligence he received concerning the Scots, either laying siege to Berwick, or otherwise entering England. And letters were written in the king's name, to the nobles and great men in different parts of the kingdom, to be ready to attend him in this expedition with their followers. But either the Scots were not duly prepared for such an undertaking, or such measures were taken by the English for their reception, as obliged them to give it up; for historians mention no warlike transactions on the eastern marches this year. On the western, there were mutual inroads; wherein Dumfries was burned on the one side, and Penrith on the other.

Rym. vol. ix. 323, 324. Dec. 11.

King Henry, soon after returning from his short, but glorious campaign in France*, took the necessary steps for perfecting the exchange of Murdoch Stewart for Henry Percy. He appointed four commissioners† for settling with the governor of Scotland, or commissioners from him, the conditions and circumstances of this exchange; and sent along with them a written obligation, by which he bound himself, on his good faith and royal word, that upon Henry Percy being given up to his commissioners in a state of entire and perfect freedom, at such time and place as the commissioners on both sides should agree, he would cause his prisoner Murdoch Stewart to be delivered in the same state to the commissioners from the duke of Albany. He also gave an order and powers to Richard lord Grey, whom he had made warden of the east marches, in room of his cousin the duke of York, who was slain a few weeks before at the famous battle of Agincourt, to grant in the king's name safe-conducts to all persons coming towards the said marches, from the kingdom of Scotland, for agreeing and transacting this exchange‡. The exchange was accordingly effected; and Henry Percy took his seat in the next English parliament as earl of Northumberland, and in that quality paid his homage to the king. A sum was also paid by the duke of Albany to the earl, as the ransom due for Murdoch Stewart; who had been the prisoner of the earl's father, or grandfather, at the battle of Homeldon.

Rym. vol. ix. p. 405.

Harding says, that Sir Robert Umfranville, who had at that time the keeping of Roxburgh caſtle fought at Geteryng this year with the Scots, on Madelyn day (July 22d or 23d.) Umfranville had but ſeven ſcore ſpears and three hundred bows, with which force he diſcomfited four thouſand Scots, and chaſed them twelve miles into their own land. He took three hundred and ſixty priſoners (xviii. ſcore), and ſlew ſixty, and put to flight one thouſand. (So the verſe, but the proſe title of the chapter ſays, the Scots were four thouſand.) Umfranville went afterwards with the king to the ſiege of Harfleur, accompanied by Harding. *Where is Geterynge?* Hard. c. 212.

* He gained in this campaign the famous victory at Azincourt, on Criſpin and Criſpinian's day, *i. e.* Oct. 25. Harding.

† Theſe were, Sir Ralph Eure, and Sir William Claxton, John Huntman maſter in theology, and Richard Holme licentiate in laws.

‡ A like order and powers were ſent to John Neville, ſon to Ralph earl of Weſtmoreland, who was now warden of the weſt marches, in room of his father.

The

James I. K. of Scotland. A. D. 1416.

The following year, and part of the next, were employed by Henry in various negociations, for promoting his mighty project of acquiring the crown of France; or at least, of recovering what had been yielded to Edward III. by the treaty of Bretigny. Those negociations were carried on with the grandees of France, who remained his prisoners since the battle of Agincourt; with the heads of the factions of Orleans and Burgundy, who sacrificed all public regards to private ambition and revenge; and with the emperor Sigismund, and other foreign princes. A truce, during part of that time, was concluded with France, in which Scotland was comprehended; and, while this truce continued, a private agreement was made between Henry, and his prisoner the king of Scotland *, by virtue whereof, James was to be allowed to go into Scotland, and to continue there a certain time; upon his leaving with the king of England sufficient hostages for his paying 100,000 merks, if he did not to return in person within the time limited. The bishop of Durham, with the earls of Northumberland and Westmoreland, had the charge of receiving the oaths and obligations of the Scottish king and his hostages, for the fulfilling of this agreement; and also of examining and determining, according to their best discretion, whether the persons, offered as hostages, were able to pay the above-said sum. Safe-conducts were also issued to several of the principal men in Scotland, who were to come into England to assist in bringing this agreement into effect. But Henry still persevering in his views on the side of France, and probably finding the Scottish nobles attached to their old ally, with a zeal that was much more likely to engage the young monarch in their measures, than to be quashed, or otherwise directed by him; all these steps tending to regain the liberty of James, proved for the present ineffectual.

Rym. vol. ix. p. 417, 418.

A. D. 1417. Rym. vol. ix. p. 458.

A short time before the English king set out on his second expedition to France, he authorised Henry Percy, earl of Northumberland, who was now warden of the east march, to treat or conclude, either a general or particular truce, by land or sea, with any sufficiently empowered from the kingdom of Scotland, for what time he thought proper. But, instead of entering into any such treaty, the Scots, soon after Henry passed over into France, advanced, with the duke of Albany at their head, towards Roxburgh; and in the neighbourhood of that place defeated a body of English troops. The governor afterwards crossed the border; but had not penetrated far into England, when the earls of March and Douglas prevailed with him to retreat†. They did not think it prudent to risk an engagement against an army of one hundred thousand, whereof forty thousand are said to have been good troops; who were marching towards them under the command of the dukes of Bedford and Exeter. Nor did the English pursue the Scottish army into their own country, judging it better to content themselves with a defensive war on that side, while

Fordun.

Walsing. p. 399.

* In the original paper, here referred to, he is entitled, James Stewart, *who calls himself king of Scotland.*

† Other authors say, That upon the approach of the English army, the Scots abandoned the sieges they laid both to Roxburgh and Berwick, with so much hurry and confusion, that they left all their tents, ladders, and engines behind them.

Eachard ap. Aber. Drake's Hist. Anglo-Scotica, p. 196, 197.

Henry V. K of England

their king, and the flower of their nobility and forces, were pursuing their conquests in France *.

A. D. 1418. Rym. vol. ix. 552, 570.

To save the borders, however, as much as possible, the wardens had powers to conclude with the governor of Scotland, either particular or general short truces, even for the small spaces of one or two months †. The Scottish warriors began also about this time to be ambitious of reaping laurels, in the busier and nobler scenes that France presented. Some smaller bodies had gone thither before; but in 1419, or 1420, no fewer than seven thousand were sent over, under the command of John Stewart, earl of Buchan, the governor's second son, as auxiliaries to the dauphin, in the unnatural war he was obliged to wage against his distracted father and abandoned mother, combined with the king of England and faction of Burgundy, in league with the king of England. In the former of these years, William Haliburton of Fastcastle, took the castle of Wark; which was then in the keeping of Robert Ogle, and put all the garrison to the sword. But it was soon after recovered by the English; for some of these who were well acquainted with the place, made their way into it through a sewer, which discharged the filth of the kitchen into the Tweed; and then breaking down a piece of a decayed wall, opened an entry for their companions. The Scotch garrison being thus surprised, were all killed on the spot, in revenge of the slaughter which they and their countrymen had committed a short time before.

A. D. 1419. Fordun.

A D. 1420. Sept 3.

Fordun.

In the year following, the governor of Scotland died in a very advanced age ‡, and was succeeded in the administration by his son Murdoch; the same who had been so long a prisoner in England. The old governor died of the plague; which raging at that time in the north of England, as well as in Scotland, obliged the earl of Douglas to return sooner than he intended, from an inroad he had made this summer into the English borders; wherein he burned Newark, and gained considerable booty. But in the following summer we find this earl engaged in very different measures. Henry V. after three years absence in France, had returned in the beginning of this year to England, with his young queen Catharine. The king of Scotland had been a considerable time in France, being carried thither, in the vain expectation, either of

A. D. 1421.

* In the course of this war, Sir Robert Umfranville, governor of Berwick (Harding erroneously makes him governor of the east march), made great devastations in Scotland for two years, ashamed of being idle, while his master was performing such great exploits in France. According to Harding, he burnt all the east march, with all its market towns, Hawick, Selkirk, Jedburgh, Dunbar; Lauder, also with Lauderdale, likewise the forests, *from Berwick that were far, Jedworth, and all Tiviotdale, with all their villages great and small*, without any help, but of his countrymen of the Bishopric, and of Northumberland. These exploits of Umfranville, if they happened in the time of Henry the Fifth's second expedition into France, as Harding says they did, are by that chronicler erroneously connected with, and placed after the sieges of Berwick and Roxburgh, which happened in the beginning of Henry the Sixth's reign. Hard. c. 218.

† Such a commission is given to Sir John Neville, warden of the west march, or his lieutenant, in the pages referred to of Rymer.

‡ Bower the continuator of Fordun, places his death in 1419 September 3, and gives his epitaph in Latin verses, which agrees with this account:

*Anno milleno quater C. X. que noveno,*
*Ejusdem Flamen* ‖ *cum Christo gaudeat. Amen.* Ford. l. 15. c. 37.

‖ Spirit.

drawing

drawing his subjects from the interest of the dauphin, or at least repressing the ardour of their efforts in his service. James having returned from France, along with the king and queen of England; the earl of Douglas, together with Walter Stewart earl of Athol, obtained, soon after, license to come into England; and the former of these earls *, by order of his own king, entered into a contract with the king of England, wherein he obliged himself to give him aid and service against all men, excepting the king of Scotland, and his heirs and successors. The aid he bound himself to furnish, consisted of two hundred men at arms, knights and esquires, and two hundred archers on horseback, who from the day of their being first mustered on English ground, were to receive such wages as the king of England paid to other forces of the same quality, employed in the same service. These forces, on warning given to the earl, by the middle of the ensuing February, were to be at Newcastle on Easter-day following, or fourteen days after it, if he was to go to his lord the king of England by land; but if he was to pass towards him by sea, they were to be at Berwick at the term of Easter, or ten days after it. In consideration of this service, the earl was to receive, during life, an annual fee, or pension of £200. On the day after the date of this contract, another was drawn up with the king of Scotland, which bears, that is was concluded by the intervention of Archibald earl of Douglas. The king of England therein engages on his royal word, that if, in three months after his own, and the king of Scotland's return from an expedition into France, on which they were at that time preparing to set out, the king of Scotland should deliver as hostages, a certain number of the chief men of his kingdom, he should be allowed to go into Scotland, and remain there for a time to be afterwards agreed on by the two kings. Thus Henry availed himself of his royal prisoner to preserve quiet on the side of Scotland, which depended so much on the earl of Douglas. And though Douglas's eldest son was at this time fighting against the English in France, the father, either from attachment to his sovereign, or some displeasure with the governor of Scotland, entered into the league above related with the English king; but as the alliance was unnatural, it does not appear any part of it was carried into execution. Henry also, before setting out on this expedition, committed the keeping of the town of Berwick, and wardenship of the east march, to Henry Percy, earl of Northumberland; for this Percy was to receive in time of war £5000. and in time of peace or truce between the kingdoms, half of that sum to be paid by advance quarterly out of the king's exchequer †

James I. K. of Scotland. 1421.

Rym. vol. x. p. 123. May 30.

Ib. p. 126.

In the year following, the king of England died in France, in the middle of his career of victory and glory; leaving for his successor, his infant son Henry VI. in whose name his uncle John, duke of Bedford, had the administration of the affairs of France; and his other uncle Humphrey, duke of Gloucester, the charge of those of England under Bedford. This sudden revolution encou-

A. D. 1422. August 31. Monday. Henry VI. K. of England.

* Harding says, The earls of Douglas and Dunbar came to London, and took a truce with the king, which Umfranville had refused them for two years. Hard. c. 218.

† An indenture was drawn, containing an agreement between the king and Northumberland to this effect, for two years, beginning from the 11th of April 1421.

Henry VI. K. of England. 1422.

raged the Scots to invade England, to which the governor was also excited by the earls of Buchan and Wigton, who had lately come over from France, to solicit farther aid to be sent over to the dauphin. The governor himself at the head of one army, invested Berwick; and another army, commanded by the earl of Douglas, laid siege to Roxburgh; but neither of these enterprises, though a good deal of time was spent in them, was attended with success *. Soon after, the old earl of Douglas, tempted perhaps by the offers brought from France by his son, or emulous of the glory that he and his countrymen had gained there, passed over to that kingdom with 5000 men to the assistance of Charles VII. whose unhappy father Charles VI. expired a few weeks after Henry V. of England. The earl of Douglas was, by Charles VII. created duke of Touraine, and lieutenant general of all his armies; and not long after fell fighting bravely in his service at the battle of Verneuil.

A. D. 1423. At length the period of the king of Scotland's captivity drew near. The undutiful behaviour of the governor Murdoch's own sons made him enter into serious measures for his sovereign's enlargement; and the regency of England conceived hopes, that the presence of James, whose talents they knew, amongst his subjects, might more effectually restrain them from giving aid to France, or disturbing the English borders, than any other method they could employ; and to secure him more effectually in their interests, they resolved to give him to wife Jane of Somerset †, a cousin of their own king; a shining beauty, and whom James passionately loved. The conditions of this deliverance were settled at York, by commissioners from the council of England; and others from Murdoch, governor of Scotland, and the three estates of that kingdom: and they afterwards received the sanction of the English parliament, Besides stipulating the marriage just mentioned, the sum of £40,000. sterling was to be paid by equal parts, in six years from the king's deliverance, as an equivalent for the expence of his education and maintenance, during his imprisonment in England; but the last 10,000 merks that became due in the course of these payments, the court of England engaged to remit, as the sum allowed for the dowry of the Scottish queen. For the securing of the payment of this ransom, it was agreed, that the king of Scotland should give sufficient hostages, of the principal men of his kingdom; with liberty of exchanging them from time to time with others, who had estates or revenues of equal value.

Sept. 10. Rym. vol. x. p. 299.

A. D. 1424 In pursuance of this treaty, the king of Scotland was married to the lady Jane, in the beginning of February in the following year. In March the royal pair came to Durham, where they were met by a numerous train of the most illustrious of their subjects. At that place the hostages agreed on were delivered to commissioners authorised by the court of England to receive them; and all kinds of securities were mutually exchanged. There also the

* Hence this expedition againſt England was called, not very delicately, *The Dirtin Raid.* Holingſhed.

† She was daughter to John earl of Somerſet, ſon of John of Gaunt duke of Lancaſter, and of Katharine, daughter to Thomas Holland earl of Kent.

king

James I. K. of Scotland.

1424. March 28. Rym. vol. x. p. 330, 331.

king of Scotland concluded a truce with the English commissioners, to continue seven years from the ensuing first of May. Besides the general articles common to every peace or truce, obliging mutual abstinence from all injury or violence either by land or sea, this truce contained a number of regulations, for preserving peace and order, and redressing wrongs on the marches, that deserve our particular notice. They present us with the first distinct view of the measures agreed on by the neighbouring nations for these purposes; are probably an improvement on former establishments of this nature; and plainly served as a basis for farther additions and improvements, which the experience of succeeding times shewed to be necessary or convenient. I. It was agreed then, that, if any of either nation should take a fortress belonging to the other, the person from whom it was taken, might recover it by force, or otherwise, as he best could; and might also punish the aggressors, according to the exigency of the case. The conservators of the truce on the side whose subjects took the fortress, were obliged to give the most speedy and effectual assistance to the person whose fortress was taken, at the expence of the offending party; or, if he rather chose it, the person thus injured, might require and summon the king and conservators of the other nation, and to cause his fortress to be restored, and the offenders that seized it to be punished; which they, to the utmost of their power, should be obliged fully and faithfully to accomplish. II. It was farther agreed, that, if any of the vassals, lieges, or subjects, of one of the parties, should commit a crime or trespass in the territory of the other, it should be lawful for that party to seize and punish the transgressors, according to the laws of the country where the offence was committed, and to the nature of the offence in question; but if the offenders should not be taken, but withdraw and make their escape into the dominions of their own king, the conservators on that side, upon requisition made, should be obliged to deliver the persons of these offenders, in order to punishment, to the conservators of the other side, or their deputies, on the march where the offence was committed: but if these malefactors had concealed themselves or made their escape, so as they could not be apprehended, the sovereign whose subjects they were, should immediately banish them for ever out of all places of his dominions; not to be thereafter restored, nor allowed to enter or inhabit any place subject to him, until they had submitted themselves to justice, and made a full satisfaction to the injured party for the offence or trespass committed against him: but whether any such offender should be banished or apprehended, the conservators on the part of the nation to which he belonged should, in all cases, be obliged to repair the damages he had done out of his goods, so far as their value extended. But where the offender when seized had not goods or possessions sufficient to make compensation, in that case he was to undergo the severer corporal punishment; and whoever should knowingly reset, conceal, or give counsel, aid, or favour to, any such offender, should be liable in every respect to the same satisfaction and punishment as the malefactor himself, if he had been apprehended. III. Farther, as the offences of individuals were not to weaken or dissolve the obligation of the present truce, but were to be repaired by the commissioners or conservators,

on

Henry VI. K. of England. 1424.

on the side whose subjects had offended, in the manner before declared, it was farther agreed, that whoever violated this order, by raising war, or besieging, assailing, or taking towns or fortresses, or committing homicides or murders, on account of any injury received from the other side, or by seizing persons, or making distraints or captures of goods, otherwise than by the authority and decree of the conservators of the truce, should, on that very account, lose his cause; and over and above, suffer the punishment due to his offence, and restore and repair to the other party the full value of damages done him, or things taken from him. IV. It was also agreed, that, if any of the subjects of one of the kings should make a bargain, or commit a crime, within the dominions of his own proper sovereign, and afterwards, in order to elude justice, should withdraw himself and escape into any place within the dominions of the other king, and there become the liege-man of the latter, he should, notwithstanding, be compelled to answer, satisfy, and undergo justice, with regard to any debt or offence of this kind, before the conservators of the truce on either side, equally as he must have done if he had remained in the faith and allegiance of that king from whose dominions he fled: But if he had only fled and had not become the liege-man of the other king into whose country he had thus retired, he was in that case to be sent back, and restored to his own sovereign, in order to his being brought to justice as the law of his country required. V. Moreover, for ensuring the strict observation of the truce, by opening to the subjects of each party free access to prosecute the redress of their wrongs, it was agreed; that if any subject of one of the parties should commit a theft or other injury, within the marches or territories of the other, and after this theft or injury should return by flight into his own country, it should be lawful for the person who had suffered the wrong, while it was recent, that is within six days after it had been committed, by authority of the present convention, without other letters of safe-conduct, to pursue the malefactor, and in pursuit of him to enter safely and securely the march or lands into which he had retired *: or, if the party injured rather chose it, he might within the foresaid six days, or at any time after, make his complaint to one of the wardens of the other side: and it was therefore agreed, that the wardens of the marches on each side, should have power to give good and valid letters of safe-conduct, each to the subjects of the other side, for coming to seek justice from the king or his council, or the conservators of that side, by any subject or subjects whereof the person injured affirmed he had been wronged, that person having, in the first place, made oath before the warden, that his real and only intention in asking such letters was to prosecute his cause and right, and that he would prosecute these effectually, and to the utmost of his power. These articles make the principal part of the treaty concluded on the great event of James's restoration to his kingdom. It was agreed, that it should be notified to the subjects of both realms, before the first of May; and that if, in that interval, any thing should be acted contrary to it by the subjects of either kingdom, the offender should not

* This purſuit of the malefactor was called the *Hot Trodd.*

thereby

thereby become liable to make reparation, as guilty of a breach of the present truce. Several of the chief men in each kingdom together with the admirals of England, and the English and Scottish wardens of the marches, were appointed conservators of it *. Of these the wardens and admirals had full power to amend and redress all violations of it, and punish the transgressors, within the bounds of their several districts; and the rest were invested with the full power and charge of doing the same.

All preparatory steps towards the king of Scotland's deliverance being thus completed, he set out from Durham, upon one of the last days of March or first of April, attended by a numerous train, not only of his own subjects, but of the gentlemen of Northumberland; who were ordered † to accompany him as far as Scotland, in the most honourable manner they were able. He entered Scotland, probably, by the road that conducts to Melrose; for, at the abbey of that place, he ratified, by his letters patent and oath, the treaty concluded in England for obtaining his freedom: in fulfilment of an article of that treaty, which obliged him thus to confirm it, within four days after entering his kingdom.

Rym. vol. x. p. 332.

James found great difficulty in raising the money he had bound himself to pay to the court of England. He attempted it by a general tax imposed with consent of a parliament which he held soon after his return; but the commons of Scotland, unaccustomed to such burthens, and very unable to bear them, murmured so much that the king remitted a great part of the sum ordained to be levied. Hence, instead of the regular payments of 10,000 merks, that should have been made at annual stated terms, it appears that payments were made in much smaller sums; and also deferred beyond the terms at which they became due. In 1425, the earl of Northumberland got a grant out of the first money then due by the king of Scotland, of 2000 merks, in part of a sum contracted to be paid him, for the discharge of an old and new debt, for wages to himself and soldiers maintained by him, for the defence of the town of Berwick and the east marches. Three years after (*a*), the English king's treasurer at Calais was furnished with discharges for 10,000 merks to be paid him, in name of the king of Scotland, each discharge being for a thousand; and out of this sum the said treasurer was warranted to pay to the earl

A. D. 1425. June 9. Rym. vol. x. p. 344, 345.

Ib. p. 406. (*a*) 8 July, 1428.

* The Engliſh commiſſioners who negociated this truce with the king of Scotland were, John, biſhop of London, Thomas of Durham, Henry earl of Northumberland, Ralph earl of Weſtmoreland, and Richard Neville warden of the Weſt march, William Alnwick keeper of the privy ſeal, Thomas lord Dacre, John baron of Greyſtock, and Robert Umfranville. The conſervators of it on the part of England were, Humphrey duke of Glouceſter, Thomas duke of Exeter, Edmund earl of March, Richard earl of Warwick, Henry earl of Northumberland, Ralph earl of Weſtmoreland, Robert lord Willoughby, all the Engliſh admirals, the keepers of the marches of England towards Scotland, Rober Umfranville and Walter Hungerford knights. On the ſide of Scotland, Murdoch duke of Albany, Walter earl of Athol, Alexander earl of Mar, Archibald earl of Wigton, George earl of March, lord William conſtable of Scotland, John lord Seton, Thomas lord Somerville, James lord Dalkeith, John Forſter, and the keepers of the marches of Scotland towards England.

† The order was directed to Henry Percy earl of Northumberland, warden of the eaſt march, or his lieutenant; to Robert Ogle and William Heron knights, and the Sheriff of Northumberland, five or four of them.

Henry VI. K. of England. 1425. A. D. 1428.

earl of Northumberland *, 2000 merks, as his own wages and those of the men at arms and archers employed in keeping the town and castle of Berwick; and also 1000 merks to John Skipton, clerk of the works there, to be laid out in the repairs of the castle and town. Towards the end of the same year, Skipton had assignments on the king of Scotland for 500 and 1000 merks, and was furnished with discharges † to be delivered to that monarch, in name of the English king, on payment being made. The council of England were very indulgent to James in this article of payments. They were also very compliant, in exchanging the hostages delivered at Durham, for others, which the hostages themselves, or the king, procured to go into England in their room. The wardens of the marches had the charge of enquiring into the value of the estates of those proposed to be sent in exchange; and, on their being satisfied that the revenues of these were equal to those of the persons whose places they were to supply, these exchanges were to be made. But as the king of Scotland had infringed the treaty of his deliverance in the article of his payments, the court of England had sufficient ground to refuse the exchange of hostages. James, sensible of this, had sent a messenger to that court to apply for the exchange of some of his hostages; and upon his being favoured in this matter, he promised immediate payment of the sums that remained due, beyond the terms that had elapsed. But the English court complained that he had failed of this promise; and that for a long time after, notwithstanding their renewed instances, he had given them neither hope nor certainty of fulfilling his engagements; and put him in mind that their not exacting with rigour the payments of the sums due, ought to be a prevailing motive with his generosity to accelerate the discharge of his debt.

Rym. vol. x. p. 384.

A. D. 1427. Dec. 18.

As the court of England was, at this period, wholly taken up in maintaining and pursuing their conquests on the continent; so James found so much employment at home, in forming the interior police of his kingdom, framing useful laws, and taming his fierce subjects to obedience, that it was equally agreeable to both sides to preserve quiet on the marches, and to give justice its free course, against those who were guilty of disturbing this tranquillity. For this purpose, a meeting of commissioners from both kingdoms, was in the year after James's return, appointed at Berwick on the 15th of August; and proclamations were ordered to be made through Yorkshire and Northumberland, warning all English subjects, who had suffered hurt or damage, in violation of the present or former truces between the kingdoms, to appear on the 16th of the month abovesaid, in order to propose their complaints and demands, duly to prosecute them, and to produce, for their more speedy dispatch, what proofs and informations they were furnished with; that such decisions might be given as law and reason required. In the year following, a special commission was given by the court of England, to a certain number of

Rym. vol. x. p. 347. A. D. 1425.

A. D. 1426. Ib. p. 358.

* In this laſt order, the earl of Northumberland, is entitled warden of the eaſt march towards Scotland, and captain of the caſtle and town of Berwick. In the former, directed to himſelf, he is called Captain of Berwick.

† Skipton, in theſe diſcharges, is called clerk of the king's works at Berwick, and the other fortreſſes on the marches.

those

James I. K. of Scotland.

those who had been appointed conservators of the truce, when it was first concluded, to take care of the execution of it, to redress its violations, and punish the infractors.

1428.

But in the summer 1428, the ancient alliances were solemnly renewed between Scotland and France, and a marriage concluded between the Dauphin and James's eldest daughter (*a*). Her dowry was a body of six thousand men, to be sent along with her, on board a fleet of French ships, that for this purpose should come over to Scotland, at any time after Candlemas the following year. The plain tendency of these measures which the council of England could not be ignorant of, was to break the peace between England and Scotland. In order to prevent this, Henry Beaufort bishop of Winchester, who was uncle to the queen of Scotland by the father, and had lately been made a cardinal, proposed a personal conference with his nephew the Scottish king; and a safe-conduct was granted to James to come into England, as far as Newcastle or Durham, with a thousand men as his retinue. The cardinal was, at that time, proposing to set out on a crusade against the Hussites in Bohemia, at the head of a body of troops he had been allowed to raise in England; so that he was particularly interested to preserve peace at home, and his arguments, or other arts, seem to have had sufficient influence with James, to prevent his sending succours at that time to France, or giving any disturbance to the marches of England.

Aberc. vol. ii. p. 282.

(*a*) July 19.

A. D. 1429. Rym. vol. x. p. 408, 410.

A short time after, a commission was given by the council of England, to the bishops of Durham and Carlisle, Henry earl of Northumberland, and two others *, containing very extensive powers with regard to the affairs of Scotland. It authorised them to seek and obtain the money that remained due, by virtue of the contract for the Scottish king's liberation; also the deliverance of certain new hostages, agreeably to that contract, in the room of some who had died, and the redress of the breaches of the truce committed either by the king or his subjects. They had likewise power to discharge any sums received from the king of Scotland, as due to the English king, to cause reparation to be made for breaches of the truce committed by the subjects of England; and finally, to prolong the truce at present subsisting, or to negociate or conclude a new one, either on the same, or different terms. What was done by these commissioners in the execution of the trust reposed in them doth not appear. But more limited powers were afterwards given by the kings of each nation, to certain commissioners †, who meeting at Hauden-Stank, made several regulations for mutual redress of injuries, and the speedy and effectual execution of justice, in all matters under debate between the subjects of the two kingdoms. They first agreed and enacted, that all kinds of vessels and goods taken at sea, and openly detained and proved to be

Ib. 410.

Rym. p. 428. July 12.

* These were, Sir Robert Umfranville, and Mr Richard Arnold canon of the church of York.

† The English commissioners were, William bishop of Carlisle, Henry earl of Northumberland, Richard earl of Salisbury, Sir Robert Umfranville knight, and Master John Stokes doctor of laws. The Scots were, John bishop of Glasgow and chancellor of Scotland, Alexander bishop of Galloway, Sir John Forrester baron of Liberton, Master William Fowlis keeper of the privy seal, Sir Patrick Dunbar, Sir Thomas Kirkpatrick, Sir John Cockburn, and Master John Scheves doctor in decrees.

Henry VI. K. of England. 1429.

detained by sufficient evidence, in violation of the truce, should be set free and restored without delay. The earl of Northumberland had the charge of the execution of this article, where the captures in question had been made on the east sea of England, to the north of the Humber, and the earl of Salisbury within the limits of his wardenship of the west marches. The execution of it, on the part of Scotland, was committed to the lord chancellor of that nation, for all trespasses to the south of the Friths of Forth and Clyde: and in order to the plaintiffs of either nation, prosecuting redress of such wrongs, they were respectively to be furnished with safe-conducts from the English earls, or the Scottish chancellor. Plaintiffs belonging to Scotland, who were not prepared for the immediate prosecution of the recovery of their goods, were to deliver to the earl of Northumberland the names of the trespassers, that they might be put under arrest; and if these dwelt to the north of the Humber, safe-conducts were to be given to the plaintiffs to come to Warkworth, or other place appointed, before the feast of the Assumption of Mary, next ensuing; and any such plaintiff was to bring along with him, sufficient written attestations, under the seal of the town where he resided, of the amount of his goods or damage, to be farther confirmed by his oath; upon which amendment and redress should be made to him, agreeably to the tenure of the truce. And in like manner, English plaintiffs, in pursuing recovery of their goods and damages, were to have recourse to the chancellor of Scotland, for harms done to the south of Forth, on the east sea, and of Clyde on the west sea, of Scotland. The earl of Salisbury was in like manner charged with the west sea, so far as his district of wardenship extended. And in order to the more full and complete redress of what happened not to be done before the feast abovesaid, or of harms done in that interval by sea, in violation of the truce, it was agreed, that four persons on each side; that is, two knights, a clerk, and a squire, for the east march; should meet on the day after Martinmas, at Redden-Burn, for the east sea *, and other four of like quality at Cloughmabanstane, for the west sea, with sufficient powers from the kings of each nation, to make full redress of all trespasses committed against the tenour of the truce. In the next place, with regard to the trespasses committed on the marches by land, it was agreed and concluded, that the deputies of the marches should honestly, and without respect of persons, examine and finally decide, all complaints of trespasses of whatever kind done in the marches, according to the best of their judgment, and as far as they could agree. But in cases where they could not agree, but fell into doubts and contradictions, they were appointed to certify this to four persons of the one and other nation, who were nominated at the present meeting †, and

* Commissions were accordingly issued by the king of England on the 15th of October, to four commissioners of those qualities, to meet with others from Scotland, at the places appointed. Those appointed to go to Redden-Burn, were, Sir Robert Ogle, Sir William Elmeden, Master Thomas Cleveland bachelor of laws, and William Lambton, Esq. Ib. p. 435.

† Those on the part of England were, Sir John Bertram, Sir Christopher Curwen, Mr Thomas Valdale, and William Lamberton; and on the part of Scotland, Sir Thomas Kirkpatrick, Sir Patrick Dunbar, Master Thomas Rule, and David Home.

charged,

James I. K. of Scotland. 1429.

charged by the lords commissioners, honestly and impartially to examine all doubtful and controverted points laid before them by the deputies, and to give a full decision of them according to their best judgment, and as they could agree: but where doubts and controversies arose, that they could not agree in determining, they were to give information to the lords commissioners of such cases in writing, in order to a final determination by *them*. And both the deputies and examiners of these difficult points, were sworn on the Gospels to be faithful to the charge. It was farther agreed, for the clearer explication of what is contained in the above articles, that proclamation should be made to the parties plaintiff on both sides, to attend at the times, days, and places, above appointed, to produce their grievances and complaints, together with the proofs of the injuries done them. And with regard to the proofs it was agreed, that they should bring in, at the day and place prefixed, and present to the commissioners, sufficient written attestations of men of worth and credit of the city, burgh, town, or port, where the plaintiffs resided, or else of the place nearest that part of the sea where the trespass was committed, specifying the goods taken, with their value, under the seal of the admiral or magistrates of the place. Their damages and costs they were to swear to, and the estimate of them was to be made according to their oaths; but with a power to the conservators, or special commissioners, to moderate these damages according to their discretion. By such evidence, when appearing to the commissioners on both sides sufficient, trespasses were to be convicted; but in case it should happen, that these should be able to defend themselves by evidence of more weight and authority, and in order to the speedy dispatch of such trials, it was resolved, that all trespasses complained of on either side should be put under arrest, and their goods in sufficient keeping, until such time as they should find sufficient bail for their appearing to answer at the times and places above mentioned; and their names were to be concealed, and no warning given on either side, until this arrest was executed upon them. Finally, it was agreed that all persons taken prisoners at sea should be instantly set at liberty, on reasonable security; and where it appeared they had been unlawfully seized, they should pay no ransom nor costs, but should recover the hurt or damage they had sustained from those who took and detained them prisoners; also, where it appeared, that they had been taken lawfully, the captors should be allowed ransom and costs; but those who had paid ransom, where it was not due, should be completely refunded.

A. D. 1430. Jan. 24. Rym. vol. x. p. 446, 447.

In the beginning of the following year, a safe-conduct was granted by the regency of England, to no fewer than seventeen Scotch ambassadors and commissioners, with eight hundred attendants to come to Hawden-Stank, or any other convenient place; at the same time, nine persons were authorised on the part of England, to treat with them; wherein, besides other articles, usual in commissions of this nature, given since the last truce, they were empowered to treat concerning a perpetual and final peace, by the means of a marriage between the royal families. The project, probably was to substitute the young king of England, in the room of the Dauphin of France, as a husband to the princess of Scotland. It is likely, that the voyage of the king of Eng-

Henry VI. K. of England.

1429. Rym. vol. x. p. 482.

land to France in order to be crowned at Paris, prevented the intended meeting on the marches: but the expiration of the last truce now approaching, a meeting was held by virtue of new commissions, in the December following; and on the 15th of that month, a truce was concluded at Edinburgh, to continue five years after the expiration of that which then subsisted.

The articles in this truce, calculated for preserving order and repairing trespasses committed on the borders, are the same with those of the truce of Durham, with the addition of one relating to fugitives from either kingdom into the other, on account of treason or rebellion against their lawful sovereigns. By this it was agreed, that although such offenders had received assurance of protection or a safe-conduct, yet the king who had granted this, or his warden, on requisition being made by the king, or warden of the other side, should be obliged, within forty days after the making of such requisition, to revoke or annul the protection or safe conduct granted to any such fugitive, and to restore and deliver him up to the other party; as in the case where he had fled from justice, without becoming the liege-man of the king into whose territories he had fled; and although any such traitor or rebel should offer the party to whom he had fled, his oath of allegiance and fealty, yet he should not be admitted to this allegiance or oath, until forty days after such offer was made. In this truce, the articles concerning the reparation of trespasses committed at sea were considerably enlarged; and as it appears from the proceedings at the meeting of commissioners, held at Hawden-Stank in the former year, that such trespasses were often a principal subject of the deliberations of such meetings, it cannot be considered as foreign to the design of this work, to give an account of the articles of this nature, established by the present, or like subsequent treaties. The former truce at Durham, contained only one short article relating to sea affairs—This was, I. That if, during the time of that truce, it should happen, that any merchants, passengers, or fishers, of either side, should be obliged by winds or storms, to enter any port belonging to the other, it should not be lawful to that other party to seize their persons, their ships, or goods; but they should be allowed to depart as soon as they conveniently could from such ports, without any hinderance from the other side; and whatever injury in such cases was committed in breach of the truce, should without contradiction or difficulty, be repaired by the party offending, to the full amount of damage done. This article was preserved in the truce now concluded; and the following were added, for the farthet security of navigation and commerce.—II. If it should happen, that any of either nation, in consequence of suffering shipwreck, or by reason of evident sickness, or want of victuals, should land on the coast of the other, or should be set on shore, and left behind by the rest of the crew, without fault, deceit, or bad intention on their part, they should be allowed to pass safely and securely, with all convenient speed, to their own country; being furnished for this purpose with letters of attestation, to be granted without difficulty, and at a moderate expence, by the port, town, or corporation, where they had landed; which attestations should, in such circumstances, serve them as a safe-conduct; provided always, that they should not in the mean while attempt, or procure, any

James I. K. of Scotland. 1429.

any thing prejudicial to the king, his kingdom, or lieges.—III. It was also enacted, that if, during the present truce, it should happen, that any merchants, pilgrims, or fishers, or any other subject of either kingdom, should, in violation of the truce, be taken, spoiled, or robbed of his goods, by the subjects of the other, it should be lawful for the person thus injured to prosecute and call to account, in order to his obtaining restitution and redress, not only the principals immediately active in such injuries, but also those into whose hands the goods had come, and also those who had knowingly entertained the trespasses, and likewise, the cities, towns, and communities, of the ports and other places, in which such goods or merchandises, unjustly seized in the manner above expressed, had, in violation of the present truce, being publicly received, sold, or distributed.—IV. Finally, it was added on this head, that if, during the present truce, any trespass against it should be committed at sea, by the subjects of either side, it should be lawful for the injured party, to prosecute redress before either the conservators of the truce, or wardens of the marches, as he should judge it most convenient. Another material article, of a more general nature, was added in this truce, relating to the characters of those, who, during its continuance, should be admitted to offices, put upon assizes, or allowed to give evidence. From these privileges, all infamous persons, rebels, fugitives, traitors, or such as had been convicted by an assize, were excluded; and good, faithful, just, creditable, and unsuspected persons, were declared to be alone capable of them *.

In the first years of this truce, a good understanding seems to have subsisted between the courts of England and Scotland; although part of the money

* The conservators of this truce on the part of England were, Humphrey duke of Glouceſter, Richard earl of Warwick, Henry earl of Northumberland, Richard earl of Saliſbury, Ralph earl of Weſtmoreland, Robert lord Willoughby, Thomas lord Dacre, Walter lord Hungerford, Sir Robert Umfranville, all the Engliſh admirals, and the keepers of the marches of England towards Scotland. Thoſe on the part of Scotland were, Walter earl of Athol, William earl of Angus, George earl of March, Alexander earl of Mar, Alexander earl of Crawford, William conſtable of Scotland, James Douglas lord of Balveny, James lord of Dalkeith, Thomas lord Somerville, Walter lord Dirleton, John Forſter of Corſtorſyn, Herbert lord Maxwell, all the admirals of the Scottiſh king, (Did James introduce that office into Scotland? There are none mentioned in the truce 1424,) and the keepers of the Scottiſh marches towards England. The powers of theſe were the ſame as in the former truce.

There was a clauſe in the *former* truce, relating to the ſubjects of Scotland who were in the ſervice of the French king. Concerning theſe, James declares, that though it was not in his power to hinder them from committing hoſtilities againſt the Engliſh, in their preſent ſituation, yet it was not his intention to be anſwerable for their behaviour; or, that they ſhould be comprehended in the preſent truce, until their return to their own country; but that after they had returned, he would oblige them to refrain from deeds of war, during the continuance of the truce. In the *preſent* truce, there is an article that regards the ſame perſons, but is expreſſed in terms more general and implying a mutual obligation. It declares, that if, during the preſent truce, any of the ſubjects of either of the kings, ſhould go into the aid or ſervice of the enemies of the other, it ſhould be lawful for the latter, or his ſubjects, to ſeize ſuch perſons while going to, remaining in, or returning from ſuch ſervice. And this is continued in ſubſequent treaties.

It is farther to be obſerved of this truce, that it was general by ſea, but by land particular; the exceptions from it being in England, all that lies to the ſouth of St Michael's Mount in Cornwall, as far as the ſea, and in Scotland, all on the north of the river Forn, which ſeparates the ſhires of Murray and Roſs, as far as the ſea.

agreed

Henry VI. K. of England. 1429. Rym. vol. x. p. 509.

agreed to be paid for the expences of James's support in England, remained still due, after the last term fixed for its payment was elapsed; yet the exchange of hostages, as stipulated in the contract of the king's liberation, was still allowed by England. Fifteen of them were, in the second year of the present truce, allowed to return home, on others entering themselves in their room, who had been accepted by Henry earl of Northumberland, as equivalent in estate and possessions to those who were dismissed. In the end of the year following, certain commissaries appointed on each side for reparation of trespasses, agreed, that they, or other lords, of each kingdom, sufficiently empowered by their respective sovereigns, should, on the first Monday of the following Lent, hold a peaceable meeting at Redden-Burn, or some other place to be afterwards fixed: they also agreed, that the names of those Englishmen who were complained of by the subjects of Scotland, together with the complaints themselves, should be lodged with the mayor of Berwick; and in the same manner, the names and accusations of Scotchmen charged by those of England, should be lodged with the prior of Coldingham, before the 25th of March; and proclamations conformable to this agreement, were ordered to be made in England. But the transactions of this March-day meeting, probably being of small importance, are not preserved in the English records. In the fourth summer of this truce, the bishop of Carlisle, together with a knight and doctor of laws*, were appointed commissioners from the English king to treat of a peace, or prorogation of the truce with Scotland, to ask and give reparation of trespasses, and to demand, receive, and discharge, the sums still due to the English king, by virtue of the contract for the king of Scotland's liberation. Whether any commission, corresponding to this, was, about the same time, given by the king of Scotland; or what was transacted, in consequence of such appointments, does not appear. But it appears somewhat singular, that James should, in the November following, give a commission with very ample powers to his *Snawdon officer at arms*, to negociate and conclude with one or more deputies from the king of England, a prorogation or renewal of the truce, and also, to confer and treat concerning new affinities to be contracted between him and his cousin of England. It is sufficiently evident, that the main purpose of these commissions, was not obtained, and also, that the failure was not owing to the want of inclination in the court of England to preserve peace between the kingdoms. For that court gave two commissions more, one in the following summer, of the same tenour with that in the summer preceding, addressed to many of the chief men of the north; and another in the ensuing February; in neither of which commissions, is there any mention made either of demanding new hostages, in room of those deceased, or of seeking payment of the balance remaining due by the Scottish king. And in the beginning of March, a letter was written to the Scottish king, in name of the king of England, wherein the latter declared his willingness still to treat of the prorogation or renewal of the truce; notwithstanding that no effect had followed, from his former ap-

A. D. 1433. Ib. 564.

A. D. 1434. Ib. 596.

b. 599.

July 20. Rym. vol. x. p. 620.

Ib. 629.

A. D. 1436. Ib. 635.

* Sir William Ewer and Mr Stephen Wilton.

pointment

pointment of commissioners, to whom he had given full powers and instructions.

James I. K. of Scotland.

1436.

The Scottish historians relate, that ambassadors having about this time come into Scotland from France, to solicit the fulfilment of the marriage-contract between the Dauphin eldest princess of Scotland, which had been agreed eight years before; an embassy was sent from England, at the head of which, was the lord Scroope, in order, if possible, to prevent this union between Scotland and France. It is affirmed, that the English ambassadors, as the prince of the Scots renouncing their ancient league with France, and concluding a perpetual peace with England, offered their king in marriage to the Scottish princess, and the restitution of Berwick and Roxburgh, together with all that the Scots anciently possessed in England, as far as the Re-cross in Yorkshire; and that the proposals of both nations were laid by James before his parliament, who, swayed by ancient prejudices, declared on the side of France, and rejected with contempt the offers of England.

Ford. l. 16. c. 23. Aberc. vol. ii. p. 296.

Whatever truth there is in this relation, it is certain, that the present situation of all the three kingdoms, rendered the close alliance of James with France, a much safer and wiser measure, than when it was first concluded. The interest of England in France had been upon the decline, ever since the appearance of the celebrated Maid of Orleans; and in the year preceding that which is at present under our view, was irrecoverably sunk by the reconciliation and peace concluded between the French king and the duke of Burgundy, and by the death, that soon followed, of the very wise and brave English regent, the duke of Bedford. Far the greatest part of the English conquests were actually recovered by the French monarch, and he was in the fairest way of regaining all the rest. The English, however, unwilling to abandon their great acquisitions, and still greater hopes, continued their vain efforts to revenge themselves of the duke of Burgundy, and maintain their footing in France; which made them the less formidable to their neighbours at home, and the less able to resist their attacks. On the other hand, the situation of James's domestic affairs were greatly improved; he had gained the esteem and affection of his people by many wise and excellent laws, by the introduction and encouragement of useful arts, and by a strict and regular administration of justice: he had subdued the ferocity of the inhabitants of the Highlands and Isles, partly by arms, and partly by a rigorous execution of justice against offenders; and, by some severe examples, had taught his haughty barons the regard due to their sovereign; which they had almost forgotten under the weak and licentious administration of the two governors. By the confiscation of the great estates of Murdoch, the last of these and his two sons, and by seizing, in other instances, into his own hands, what the feudal right of the sovereign gave him a title to, instead of profusely bestowing such acquisitions on rapacious and insatiable courtiers, he had greatly improved the revenues of the crown. A late instance of the treatment of one of the most illustrious of his nobility appears so severe, that it seems to indicate some circumstances of guilt in the object of his resentment, that have not been distinctly recorded by historians. The person thus treated was,

George

Henry VI. K. of England. 1436.

George Dunbar earl of March, son and immediate successor of him, who had transferred his allegiance to Henry IV. of England, in the time of Robert III. of Scotland, and returning afterwards to his native country, was pardoned and restored to his honours, and the greatest part of his estate, by Robert duke of Albany the governor. This earl had died about twenty years ago, and his son retained the undisturbed possession of his inheritance, during the first eleven years of James's reign. But the king alleging as the ground of his proceedings the long and obstinate rebellion of the old earl, first seized the castle of Dunbar; and then prosecuting the earl before a parliament, held at Perth in January 1436, obtained a sentence from certain delegates of that assembly, declaring, that, by reason of the forfeiture of the former earl in the reign of the king's father, his earldom of March and lordship of Dunbar, with all the other lands held by him of the crown of Scotland, did of right belong to the present king both in property and possession. The principle on which this judgment was grounded, was, that the governor had exceeded the powers of his office, in restoring a banished rebel, and giving back an estate to him, which had by forfeiture become the property of the crown; and that the king had the same power to recover what was thus given away, as by the constitution belonged to him, of resuming crown-lands that had been alienated during his minority. It appears from the English records, that George Dunbar earl of March and his son Patrick, were somewhere in the territories of England, in the month preceding the above-said trial in parliament; and that they obtained at that time a safe-conduct from the king of England, to continue in force for a year after the 25th of the ensuing January. From the same authority it appears, that the son had a safe-conduct in the preceding month of July, for coming into the presence of the English king. These circumstances have the appearance of some secret treating between the earl and court of England, which could not fail to excite a strong resentment in a prince of James's spirit; and in order to prevent all such defection and treacherous correspondence for the future, he availed himself, after a long delay, of a rigorous exertion of the prerogative of his crown, to seize into his hands the estate and fortresses of a family, that had for several preceding generations been the most opulent and powerful of any on the eastern borders *. The king, to mitigate in some degree the rigour of these proceedings, made the forfeited earl a grant of the earldom of Buchan; or, according to others, gave him an assignment on the revenues of that earldom for his support.

Aberc. vol. ii. p. 291, 292. Black Acts, fol. 23.

Rym. vol. x. p. 628.

Ib. 618.

Early in the summer of this year, the princess of Scotland was conveyed into France, notwithstanding the menaces of the English, and their lying in wait to intercept her in her voyage. The quiet of the borders which seems to have been very entire during all the preceding parts of James's reign, was broken by these jarrings. The earl of Northumberland with a body of four

* Father Innes obſerves, that the forfeiture of the earl of March, however well intended to remove ſo powerful a man from the neighbourhood of England, proved of bad conſequence in the following reigns. The earl of March was a rival and check upon the earl of Douglas; and this balance being taken off, the great power of the earl of Douglas, and of his family and followers, proved an unſupportable burden to the crown. Innes's Crit. Eſſay, vol. i. p. 275.

thou-

thousand men, advanced towards the Scottish marches*, but was met within his own territories at a place called Pepperden on Brammish, not far from the mountains of Cheviot, by William Douglas earl of Angus, at the head of nearly the same number of forces. There were three other chiefs of note in the Scotch army, Adam Hepburn of Hales, Alexander Elphinston of Elphinston, and Alexander Ramsay of Dalhousie. A fierce battle was fought, in which the Scots were victorious. Elphinston, much celebrated for his valour, fell on the field, and about two hundred more of the Scottish army. On the other side are said to have fallen, fifteen hundred gentlemen and commons, and of the former class forty knights, whereof Sir Henry Clidsdale, Sir John Ogle, and Sir Richard Percy, were the most eminent; there were also four hundred taken prisoners. Some time after this success, the king himself led a great army to besiege Roxburgh. The place was kept by Sir Ralph Gray, who defended it with great bravery. But the besiegers were so numerous, and carried on their operations, under the eye of the king with so much vigour, that the garrison must soon have yielded, had not the sudden arrival of the queen in the camp put an end to the enterprise. Her errand was to inform the king of a conspiracy, that had been entered into against his life, and was then on the point of execution: though she could give no distinct account of the particular conspirators. The king, sensible of the general discontent which his severities and reformations had given to his barons, could not think himself any where less safe, than in his camp, surrounded by them and their armed vassals. He therefore instantly raised the siege †, dismissed his army, and retired with his queen to Perth, where he was not long after barbarously murdered in his bed-chamber, by a band of ruffians employed by his uncle the earl of Athol, who by the settlement of Robert II. had been declared next heir to the crown after James and his male-progeny.

James I. K. of Scotland. 1436.

Boethius. Buchan. Holingshed. Aberc. vol. ii. p. 299.

Hard. c. 236.

Dr Robertſ. b. 1.

A. D. 1437. Feb. 20.

The strong affection born by the nation in general to so deserving a prince, appeared by the ardour with which all concurred to discover the conspirators, and bring them to punishment. Not one of them escaped the stroke of justice; and the principals, among whom was Athol himself, suffered deaths, accompanied with all the indignities and tortures that could be devised. James II. the only surviving son of the late king, a boy, at that time, between six and seven years of age, succeeded to the crown; the administration of public affairs being lodged in the hands of Sir William Crichton chancellor, and Sir Alexander Livingston ‡; the latter of whom had the charge of the king's

James II. K. of Scotland.

* It was not known, (ſays Boethius), whether he had a commiſſion to invade Scotland from the king of England, or whether he undertook the enterpriſe himſelf, p. 266. *Incertum cujus autoritate an privata an regia.* Boeth. p. 353.

† Harding ſays, that the earl of Northumberland reſcued it with ſeven ſcore thouſand men, as he had done Berwick and Roxburgh before. See above, p. 386.

According to Fabian, the king hearing of the approach of Sir Ralph Grey, at the head of an Engliſh army, precipitately abandoned the ſiege, leaving part of his artillery behind him. Perhaps ſome Engliſh forces were approaching, when the king, for the reaſon given by the Scottiſh hiſtorians, diſmiſſed his army and retired.

‡ According to Abercromby, vol. ii. p. 319. Archibald duke of Touraine was the chief perſon in the adminiſtration, having the title of lieutenant-general of the kingdom.

Henry VI. K. of England. 1437.

person, and according to some, the title of governor of the kingdom. The business which the English still found on the continent, and the dreadful blow that Scotland had received in the loss of her king, added to the feebleness and instability of the administration during the succeeding minority were circumstances that disposed both nations to pacific measures. It was, however, more than a year after James's accession to the throne, before a new truce was concluded. This truce was negociated by commissioners, who met at London, and concluded for nine years, to be reckoned from the ensuing first of May. To the articles contained in the two preceding truces, that related to the order to be kept on the marches, the following addition was made in the present; namely, that during its continuance, the people of either nation should not enter the lands, woods, warrens, or other places of any subject of the other, to hunt, fish, fowl, or follow any other sport, or for any other cause, without the licence of the proprietors, or their deputies, first asked and obtained; and if it happened that beasts or animals belonging to any subject of either side, should come upon the grounds of a subject of the other, and should pasture upon the corn or grass * growing on them, or in any other way do hurt or damage to the proprietor of these grounds; that in such cases neither of the parties should revenge, by his own authority, the damage or injury done him; but the trespass should be effectually redressed, according to the law and custom observed in those places where it had been committed. But much more considerable additions were made to the articles framed for the mutual safety of navigation and commerce. On this head it was now agreed, that if, during this truce, it should happen that any, not subject to either of the kings, took the ships, persons, or goods of the subjects of either king, and carried them into the territories or ports of other kings, it should not be lawful for the latter, or any of his subjects, or any dwelling in his kingdom, to purchase the persons or things thus seized and brought, or to reset them in any way for their own profit, without the consent of those who had the real property of such things before their seizure; and where any thing was done in violation of this order, the persons or things thus purchased or received, should be restored to those who had the real property in them before their seizure, in the same manner as they should have been restored, if taken by the subjects of either king; and the offender in this matter should be over and above severely punished, as a truce-breaker, by him who had the charge of inflicting such punishment. It was farther agreed, that if, during the present truce, any ship of either of the kingdoms should, by stress of weather, or any *other reasonable* cause †, expressed in the present truce, be driven into, or enter any port or other place of the other kingdom, that it should not be lawful either for the king, or any of his subjects, in such cases, to arrest or de-

A. D. 1438.

Rym. vol. x. p. 688.

* It is *Gramen et Herbam*, in Rymer's copy of this treaty; but in his copy of the treaty of November 1449, wherein this article of the present is copied, it is *Granum et Herbam*; which seems to be the true reading. This continued in subsequent treaties.

† *Alia rationabili de causa in præsentibus treugis contenta.* These reasonable causes are such as are mentioned above in the last treaty of truce, and without any considerable variation are repeated in the present.

tain,

James II. K. of Scotland. 1438.

tain, in whole or in part, the ship itself, or persons or things on board of it, for any private debt of any of the kings or their subjects aforesaid; and whosoever was guilty of any thing repugnant to this order, should also be punished as above. And that no such creditor might be defrauded of justice, if he inclined to pursue for his debt, he should, without difficulty, have sufficient letters of safe-conduct from the warden or wardens of the marches, on the one or other side, in order to his pursuing for justice before the conservators of the truce, or their deputies, in the district where the principal debtor resided; against whom, if the creditor thus pursuing should gain his cause, and make sufficient proof of his debt by the confession of the party, by witnesses, instruments, or other lawful documents, the debtor should be adjudged to pay, not only the principal sum due, but also lawful expences, damages, and interest. It was also agreed, that if any ship belonging to either of the kingdoms, laden with persons, merchandises, or goods of any kind, should be wrecked or broken in any place of the sea, lying near the coast, or on the coast itself of the other kingdom; and any of the persons on board the ship thus wrecked or broken remained alive, the merchandises and goods of whatever kind, thrown or drawn out of any such ship, whether taken up at sea, or coming to land, or in any other manner received and preserved, should not, by the persons into whose hands they first came, be by any means dissipated, diminished, alienated, divided, or any wise embezzled or conceaeld; but should be honestly delivered entire in the state wherein they were found, to the governor of that lordship or place, or his deputy, unto which the said goods had come, to be kept for the use and benefit of those, to whom, after due examination, they were found to belong; and it shall be lawful for such proprietors, within the space of one year, to be computed from the time of their knowledge of such shipwreck, to prosecute, before the proper judge, the recovery and restitution of such goods and merchandises; which goods ought to be truly and effectually delivered and restored to such prosecutors, on paying reasonable expences and costs, for collecting, saving, and keeping them; provided always, that the person or persons remaining alive, and coming on shore out of the said ship, be immediately and freely dismissed, in the manner already expressed in the present truce. It was farther agreed, that if any ship of the one or other side, freighted with persons or goods, should enter, in a shattered condition *, any port or other place of either of the kingdoms, and it should be necessary, in order to repairing it, to bring to land the ship itself, or the persons or things contained in it; that, in this case, the persons or things thus landed, should, without hinderance, or payment of any custom, be again shipped on board the same vessel when repaired, or any other; and freely carried away; provided, however, that for goods and merchandises sold there, the customs and other dues, to which the goods were liable, should be faithfully paid; also, that if, during this truce, any ship of either of the kingdoms freighted with commodities, with the persons therein contained, should put in at any place in the other kingdom for a supply of victuals, in case that

* It is added in subsequent treaties, and is perhaps an omission in the *copy* of his; *or for a supply of victuals, or other neceſſities, overtaking them at ſea.* Rym. tom. ii. p. 250.

Henry VI. K. of England. 1438.

the master or crew had not ready money to pay for such victuals, but would raise what was requisite for that purpose, by the sale of licensed goods or merchandises; in such circumstances, they should be allowed to sell some of their merchandises; namely, what should suffice to purchase the quantity of victuals necessary to the persons then on board the ship, at such a price as could be agreed between the parties; on condition, however, that the customs and other duties for the goods thus sold, should be faithfully paid; and that the rest of the goods remaining in the ship, should remain to the proprietors freely to be carried to what place they pleased. There was another material article added to this truce, that related both to land and sea *; and whose object was that which still continued to be the principal commodity for foreign trade in both nations. In this it was ordained, that it should not be lawful for any of the subjects, or inhabitants of either kingdom, either by himself or any other, to buy, or otherwise receive any wools or wool-fells, to be carried out of the one kingdom into the other, either by land or sea: but that these wools and wool-fells should be disposed of, without fraud or guile, according to the laws and customs relating to them, that had been formerly established in either kingdom. For the greater security of the observation of this truce †, it was agreed, that, on account of the minority of the Scottish king, it should be confirmed by the oaths of his counsellors; and of the prelates and great barons of his kingdom; and, on both sides, by the oaths of the wardens, present and future, of each nation, and of all persons of note residing upon, or near the marches, as far as Newcastle, on the side of England, and Edinburgh, on the side of Scotland: and the names of those, who had taken this oath, were appointed to be reciprocally notified to the wardens of the marches, in order to their being preserved by them on record. The commissioners who concluded this treaty did also agree, that Alexander lord Gordon, and Alexander lord Montgomery, who were two of the commissioners from Scotland, should meet with Sir Robert Ogle, and Sir John Bertram, to be furnished with sufficient powers by their sovereign the king of England, in some convenient place, before the first of May, in order to fix and determine the bounds within which

* Continued in subsequent treaties.

† This truce was negociated and concluded by Henry earl of Northumberland, John lord Tiptot, and Mr William Lyndwood clerk, keeper of the privy seal, commissioners on the part of England; and Alexander (Seton) lord Gordon, Alexander lord Montgomery, Mr John Methvin provost of the collegiate church of Lincluden, and John Vausse, Esq. on the part of Scotland. The English conservators were, Humphry duke of Glouceſter, John duke of Norfolk, Richard earl of Salisbury, Henry of Northumberland, and Ralph of Westmoreland, John lord Grayſtock, and Thomas lord Dacres, Ralph Gray, John Bertram, Robert Ogle, Christopher Corwin, Christopher Moresby, Henry Fenwick, and William Swinburn, knights, all the English admirals, and the wardens of the English marches toward Scotland. The conservators for the king of Scotland were, Archibald duke of Touraine, and earl of Douglas, James earl of Angus, Alexander of Crawford, James of Annandale, Alexander lord Gordon, Walter lord Dirlton, Thomas lord Somerville, Herbert lord Carlaverock, Alexander Montgomery, William lord Crighton, Adam lord Hales, Sir Archibald Douglas, sheriff of Tiviotdale, Sir Thomas Kilpatrick, Sir Walter Scot, all the admirals of the Scottish king, and the wardens of the Scottish marches. The powers of these conservators were distributed as in the former truce. See above p. 331.

the

the soldiers and others residing in the town and castle of Berwick, and in the castle of Roxburgh, should have right to grass and hay for their beasts, and also to fuel and other necessaries, during the continuance of the present truce. Accordingly, two days after the truce was signed, full powers were granted to the English knights, to transact and settle that matter with the two lords of Scotland before mentioned; and also, after concluding it, to make proclamation of the truce in the usual manner.

James II. K. of Scotland. 1438. April 2.

The minority of the Scottish king James II. was much disturbed by the dissensions of Livingston and Crighton, the men intrusted with the care of the king's person and management of public affairs. A sense of common danger once and again produced a reconciliation betwixt them. The danger that threatened them arose from the overgrown power and unbounded ambition of the family of Douglas, which the late king had not lived long enough to repress. Archibald duke of Touraine and earl of Douglas dying in 1438, was succeeded by his son William, in his titles and estate. The giddiness and fire of youth, added to pride and ambition, equal to that of his father, drove this new earl into the most intolerable excesses. His usual train consisted of a body of two thousand horse; wherein were comprehended, and protected, many of the most profligate banditti of the borders. He shewed the most open contempt of the authority, officers, and courts, of the king; and exercised his private revenges and those of his clients and vassals with unbridled licence and cruelty. The governor and chancellor finding insuperable difficulties in contending with so overgrown an offender, either by the methods of justice or open force, had recourse to the political engines of flattery and fair promises; by which having deluded the vain and unsuspecting youth, they decoyed him, accompanied by his only brother, and his favourite Fleming of Cumbernauld, into the castle of Edinburgh; and there, without any formal process or trial, put them all to death. This violent measure had for some time the intended effect of restoring domestic tranquillity, and establishing the power of the regency; which ends were also promoted by the character of the new earl of Douglas, James of Abercorn, sirnamed *the Gross*, uncle to the late earl. He was a man remarkably corpulent in his body, and in his temper indolent and pacific; insomuch that the very persons who had destroyed his nephews had no scruple of intrusting *him* with the wardenship of all the marches. While affairs were in this state, a prolongation of the truce with England was agreed on for seven years, succeeding the expiration of that which at present subsisted; and probably on the same conditions *. The character of the English king, which began now to have some influence on his affairs, was altogether mild and peaceable; and the continued ill successes in France, made the ministry and nation weary of war; so that the situation of both England and Scotland favoured every measure that tended to preserve or prolong concord between them.

A. D. 1440.

Aberc. vol. ii. p. 331.

Hume of Godscroft.

A. D. 1442.

Rym. vol. xi. p. 4, 5.

* A commission to the bishop of Durham, and others, to receive the oaths of the wardens of the English marches to observe this truce, and to transmit the names of the jurors to the Scottish wardens, is dated May 16. Rymer, vol. xi. p. 4, 5.

The

Henry VI. K. of England. 1442.

The power and influence of the family of Douglas, during the time that James the Gross was the head of it, was not only weakened by the personal character of that earl, but by a division of the vast estate that belonged to his predecessors. For James inherited only the entailed lands, while Beatrix, the sister of his nephew and predecessor William, succeeded her brother in Galloway, Annandale, and other great estates. But James dying in 1444, was succeeded by his son William, who reunited the vast domains of the family, by marrying irregularly, and without leave of the court, his cousin Beatrix. This step was followed by many other proofs of the insolence of youthful ambition, equally subversive of public order and private safety. About the time, however, that the king attained to the age of fourteen years, when, according to the law of Scotland, he might himself chuse his ministers and officers, the earl of Douglas repaired to court; and, on making proper acknowledgments and submissions, obtained the pardon of his past offences. Soon after he had the address to raise himself to the highest degree of favour with the king, and to engross the whole power of the government into his own hands; which he employed, without moderation, in revenging himself of the enemies of his family, and in raising it to a pitch of grandeur far above the condition of subjects.

Aberc. vol. ii. p. 333.

A. D. 1444.

About the same time that a truce was concluded between England and France, which first put a stop to the war that had so long raged between these nations in the reigns of Henry V. and VI. orders were issued to the sheriffs of various counties in England, to proclaim the prolongation of the truce with Scotland that had been concluded two years before. The king of Scotland was also, as usual, comprehended as an ally of France, in several subsequent short truces between that nation and England. It seems farther evident, that a good understanding subsisted between the English and Scottish crowns, in the spring of the year 1448; a safe-conduct, with terms of security uncommonly ample, having been granted at that time to Sir William Crighton chancellor of Scotland, the bishop of Dunkeld, and others, with their retinue, who were sent ambassadors to France, in order to renew the ancient league between that kingdom and Scotland *, and to solicit the assistance of the French king in providing a wife for their master. The affairs of England were also at that time wholly under the direction of the young queen, Margaret of Anjou, and her favourite Suffolk; who, to the grievous offence of the English, were altogether in the interests of France. These circumstances considered, it seems probable, that the hostilities committed on the borders, in this and part of the following year, proceeded rather from the animosity and ambition of the chieftains of the marches, than from any public direction †. The Scotch writers, who give the most particular account of this short war, affirm, that the truce was violated by the English; the earls of Northumberland and Salisbury, who were the wardens of the east and west marches, having invaded Scotland, at the head of two different armies, and destroyed the

Rym. vol. xi. p. 58.

A. D. 1448. April 23. Rym. vol. xi. p. 213.

Aberc. vol. ii. p. 339, 340. Buchan. l. xi.

* Their commission is dated at Stirling, on the 6th of May following. Traitez d'entre les Roys de Fr. and d'Anglet. p. 356, 366. ap. Abercromby, vol. ii. p. 338.

† There are no orders of any kind relating to it in Rymer's Collection.

towns

towns of Dunbar and Dumfries. James Douglas lord of Balveny, a brother of the earl of Douglas, soon revenged these incursions, by burning the town of Alnwick, and by spoiling and laying waste the county of Cumberland. This was followed by still greater efforts for retaliation and defence, on the part of England. A considerable army was led over the western march by the earl of Northumberland; who was met near the river of Sark by a Scotch army, under the command of Hugh earl of Ormond, a brother also of the earl of Douglas. A bloody battle ensued, wherein the Scots were victorious. Three thousand English are said to have been either slain in the field, or drowned in their flight, in the Frith of Solway. Many of them were also taken prisoners, among whom was the lord Percy; who fell into the hands of his enemies, while bravely exerting himself to rescue his father from the like fate. The loss on the side of the Scots is said to have been six hundred men; the principal of these was, Sir Thomas Wallace of Craigie; to whose prowess the success of his countrymen was chiefly owing. For he received his death's wounds in a vigorous attack on the left wing of the English army; wherein that wing was routed, and its leader Magnus killed, on whose great courage and experience in war the English had placed their chief hopes.

James II. K. of Scotland. 1448.

In the following summer, an end was put to these hostilities by a short truce, concluded on the 10th of July, at Winchester, where the English king then resided, to continue from the 10th of the ensuing August to the 20th of September. The discontents in England with the management of the queen and Suffolk were still increasing; and the French king, in conjunction with the duke of Bretagne, had renewed the war in Normandy, which issued, in the year following, in the total reduction of that province under the power of France. The king of Scotland was employed in celebrating his nuptials with Mary of Gueldres; and it is probable that the tendency of a war with England to increase the greatness of the family of Douglas, disposed him to cultivate peace with that nation. In the instrument of the truce abovementioned, which is short and general, the two kings seem to throw off from themselves the blame of breaking the truce that formerly subsisted, on '*certain enemies of peace*;' by whom it had been so infringed, that each party receded from it, or considered it as void and null. In the next list of commissioners appointed by the Scottish king, to treat of a farther prolongation of the truce, Alexander Livingston of Calendar is included, with the title of *justiciary of Scotland*; a new evidence of the decline of the interest of the earl of Douglas at court. For, two years before, his ascendant there had brought Livingston's son, and two others of his name and family, to the block; the father being at the same time stripped of his estate, and sent prisoner, together with some of his principal friends, to the castle of Dunbarton. Commissioners of both nations having met at Durham, concluded another short truce, to continue from September 20 to November 19. The English ministry seem on this occasion to have affected to make some compensation; on the side of Scotland for their almost total abandoning of the interests and claims of their sovereign in France: for on the day before signing the truce, Richard Andrews, Secretary of the king of England, made a solemn protestation, that nothing said or done in

A. D. 1449. Rym. vol. xi. p. 231.

Æmulos pacis.

Aberc. vol. ii. p. 337.

Sept. 18. Rym. vol. xi. p. 238.

Henry VI. K. of England. 1449.

in the course of the present treaty, or to ensue from it, should anywise prejudice the right of the king of England to the superiority over the kingdom of Scotland, or the homage due to the said king of England from the king, lords, or others, of that kingdom. It is perhaps a proof of a very pacific temper on the part of the Scots, that this protestation was allowed to be made, without a counter-protest on their part, or some other instrument of a like tendency. If any such was taken by them, it is not preserved in the English record.

Ib. p. 244.

When this second short truce was nigh its expiration, another meeting of commissioners was held at the same place, who agreed to renew and prolong it, in a manner somewhat unusual. The term of its continuance was undetermined; but when either king thought proper to recede from it, it was agreed that he should give authentic intimation of his intention to the other; but at the same time, should in no respect break the truce, or suffer it to be broken, until one hundred and eighty days were elapsed after the giving of such warning. Instead of the protestation about the superiority of the king of England over Scotland, which introduced the former short treaty, the present, which is a very long and particular one, was preceded by two protestations, on subjects of much less importance. The first of them was made by one of the Scotch commissioners, John Methven, a doctor of the canon-law, master of the rolls and register to the king of Scotland, in name of his fellow-commissioners and his own. It begins with a promise that, within the space of twenty-one days after their leaving the city of Durham, they would take effectual care that proclamation should be made, in places usual and convenient, that the soldiers and inhabitants of the town and castle of Berwick, Roxburgh, and other Englishmen coming to these places, should be allowed, during the truce, to possess and collect sufficient quantities of grass, hay, and fewel, and to enjoy the privileges of a common in the lands, pastures, and meadows, around these places, together with freedom of going in and out with victuals and carriages of all kinds, in the same manner as had been allowed during any former truce. They also engaged, that with regard to the *debatable lands* on the west marches, it should be in like manner proclaimed, that all who challenged a right to these lands should, during the present truce, possess them in common, without let or disturbance of any kind, as had been done in former truces; and that no Scotchman, under the highest penalties, should act contrary to the tenour of these proclamations. But to these engagements a protest was subjoined, declaring, that is was not their intention by them, to prejudice, in any manner, the right and property of the king of Scotland, or of any of his subjects, in the lands, pastures, and meadows above mentioned; and that the concession at present made, being *in favor* of the truce, was only to endure while it continued. Immediately after, a promise and protestation was made by Richard Andrews, who was still one of the English commissioners, in name of these commissioners and his own, whereby they engaged, that, within twenty-one days after their leaving the city of Durham, they would cause proclamation to be made at Berwick and Roxburgh, and also on the west marches, that no Englishman, under the highest forfeiture,

forfeiture, should occupy the debatable lands on the west marches, either by land or water, otherwise than they used formerly to be held in time of truce; at the same time protesting, that it was not their intent, by this engagement, anywise to prejudice the right and property of the king of England, or any of his subjects, in these lands; and that the present concession, as being made in favour of the truce, was only to endure while it continued. James II. K. of Scotland. 1449.

In the part of this treaty * relating to the maintenance of peace and redress of wrongs committed on the borders, there is a variation from former treaties in the article relating to the security of the persons going from the one kingdom into the other, to prosecute judiciously those who had robbed or otherwise injured them. Instead of the safe conducts appointed to be given to such plaintiffs by the warden of the marches, on the side where he was going to pursue redress, it was agreed that, during the truce now concluded, there should be two letters-patent of safe-conduct; one under the great seal of each king, whereof that given by the king of England should be lodged in some convenient place to be appointed by the king of Scotland, within the marches of his kingdom, and the other given by the king of Scotland, should remain in some place within the marches of England, to be appointed by the king of that nation; by virtue of which safe-conducts, the subjects of either kingdom, who, during the continuance of the present truce, should be aggrieved in breach of it, might freely enter the other kingdom, and prosecute their cause in any place, and before any competent judge in it; on condition, however, that, by virtue of such letters, no more than three or four persons of either side engaged in such pleas, should at one and the same time enter the other kingdom. This regulation seems plainly enough to imply, that the wardens had not done their duty as appointed by former treaties, in granting safe-conducts to those who sought them, in order to their prosecuting the redress of injuries. An article that immediately follows, throws blame still more directly on the wardens, their deputies, and other officers, charged with the preservation of the peace of the marches. In this †, after declaring that, because by the negligence of officers in punishing transgressors, according to the quality of their crimes, it might soon happen, through the insolence and unbridled perverseness of delinquents, that the truce might in many ways be violated, it was agreed and ordained, that either of the kings, on finding himself or his subjects aggrieved; in defect of justice, which the other side refused to execute, should by a proper messenger give information to the other, of the default of his officers in that respect; in which case, the king to whom such information or complaint was presented, should with all convenient speed, twice, or at least once a year, send three or two of his council ‡, friends of peace and justice, to some convenient

Rym. vol. xi. p. 252.

Ib. p. 312.

Ibid.

Rym. ib.

* This is the first of the long treaties, concluded on the model of that which was made on the reftoration of James I. that is published in Dr. Nicholson's collection of Border laws, p. 7, &c.

† Continued in subsequent treaties.

‡ It is probably in fulfilment of this article, that a charge and powers were given in 1451, April 26, by the king of England to certain commissioners, though exceeding the number here mentioned, to inquire into the conduct of the conservators of the truce, the wardens, or their

Henry VI. K. of England. 1449.

convenient place near the marches, to meet with the same number of the like quality and character, sent from the other king, and furnished with sufficient powers, not only to punish the delinquents complained of, according to the nature of their offence, but also strictly to enquire whether the conservators of the truce, the wardens of the marches, or their lieutenants and deputies, had been negligent or remiss, in the execution of justice to the parties complaining, and to correct and punish them, if, by such inquisition, they should be found guilty.

The regulations in this treaty for the mutual security of navigation, are in substance almost the same with those in the treaty of 1438. They are varied however considerably in form and order; and as they continue the same in several subsequent treaties of this kind, we shall give those wherein this differs from former treaties.—I. It is first agreed, that if, during the present truce, any subjects of England navigating the sea for a lawful cause, whether merchants *, pilgrims, fishers, or others, should by the violence of winds or storms, or any other just or necessary cause constraining them, be obliged, contrary to their intention when they left their home, to put into any port or other place in the kingdom of Scotland, or suffer shipwreck in any place near the coast of that kingdom, provided any person remained alive in the ship, it should not be lawful for the king of Scotland, or any of his subjects, by themselves or others, to take or seize the persons thus driven to land, or shipwrecked, their ships, or goods of any kind, on board of these, or in any manner to take them away, or detain them, or to arrest such goods, or merchandises, in whole or in part, on account of any person's debt; but the persons driven to land or shipwrecked should, on the ceasing of such cause, be allowed to depart with their ships and goods, and, on their part, ought to do so, after their ship was repaired, with all convenient dispatch, without obstacle or hinderance of any kind from the king of Scotland or his subjects. And, in like manner, if any subjects of the king of Scotland navigating the sea, as abovesaid, should through stress of weather, or other just or necessary cause constraining them, be obliged, contrary to the first intention of their voyage, to put into any port or other place, subject to the king of England, or suffer shipwreck in any place adjacent to such ports or places, it should not be lawful for the king of England, or any of his subjects, to take or seize the persons thus driven to land, or shipwrecked, their ships, or goods of any kind, on board of them, or in any manner, to take them away or detain them, or to arrest such goods, in whole or in part; but the persons driven to land, or shipwrecked, should, on the ceasing of such cause, be allowed to depart with their

Rym. p. 248, 249.

lieutenants and deputies; and on finding them negligent or remiss in the execution of justice, to correct and punish them. No commission, of this nature is to be found before this in Rymer's Collection, vol. xi. p. 284.

* In the treaty of 1486, the description of persons navigating the sea is enlarged. It is there for the first time, said, 'whether they be merchants, pilgrims, or others, of whatever condition, 'state or degree, although royal, ducal, archiepiscopal, episcopal, comitial, or under.' The description of the goods in these ships is also enlarged. To goods and merchandises, is added gold, silver coined or uncoined, jewels, cloths of gold, silken, or woollen.

ships

ships and goods, and, on their part, should be obliged to do so, with all convenient dispatch, without obstacle or hinderance of any kind from the king of England or his subjects.—II. It was in the next place agreed, that if any of the subjects of the English king, driven in, or shipwrecked in manner abovesaid, or who, coming into Scotland, under safe-conduct should be so distressed with sickness * as not to be in a condition to go away in their ships, or those having safe-conduct, should not be fit to depart and return home to their own country, it should be allowed to persons in such circumstances, to remain safe and secure in the place where they had fallen sick, until they had regained their health, and then they should be suffered to return to their own country with letters of attestation of the mayor, bailiffs, constable, or any other officer of the king, in the place where they had sickened, to be granted them at a moderate expence; and the sick abovesaid should be bound to depart, without obstacle or hinderance of any kind from the subjects of the Scottish king, on condition that they contrived or committed nothing to the prejudice of the king, kingdom, or subjects thereof. All which particulars should be faithfully and fully observed by the king of England, or his subjects, in case of any subject of Scotland falling sick in England, in the circumstances abovementioned.—III. It was farther agreed and ordained, that if any who were not subjects of the Scottish king, should seize the ships, persons, or goods, belonging to subjects of the king of England, and carry them into any place or port subject to the king of Scotland, it should not be lawful to that king, or any of his subjects to buy the whole or any part of them, or to receive them in any way for their use, without consent of the persons who were the real proprietors of these goods, before the capture was made †: and, if any thing should be committed in breach of this article, in that case, faithful and complete restitution should be made of the persons and goods thus bought and received to their true proprietors equally, as if they had been taken by the subjects of the Scottish king; and, over and above, any person offending in this article should be severely punished, according to the nature and circumstances of his offence. All which particulars should be faithfully and fully observed by the king of England, in case of any ships or goods belonging to the king of Scotland, or his subjects, being taken by any not subject to the king of England. There are only other two articles on this branch, the one relating to the recovery of shipwrecked goods, and the other to vessels of the one nation putting into any port or place of the other, for repairs, a supply of victuals or the like necessary causes, which are just the same as those contained in the treaty of 1438 ‡.

James II. K. of Scotland. 1449.

Rym. p. 342, 344.

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* In the treaty of 1486, is added, hurts or wounds, *left*, and so in what follows.

† In the truce of 1464, it is added, 'or of their factors. And if the merchant or proprietor 'of the goods, or his factor, were not present, in that case the allowance should suffice of him 'who was captain or master of the ship, before she was taken.'

‡ The conservators of this truce on the part of England were, Humphry duke of Buckingham, John duke of Norfolk, William duke of Suffolk, Richard earl of Salisbury, Henry earl of Northumberland, John earl of Oxford, John Viscount Beaumont, Henry viscount Bourchier, Thomas lord Clifford, Ralph lord Grayftock, Thomas lord Fitzhugh, Thomas lord Dacres,

Henry VI. K. of England, A. D. 1450.

The earl of Douglas having made a pompous pilgrimage to Rome in the Jubilee year, accompanied by many of his friends and vassals, gave an advantage by his absence to those whom he had oppressed or injured, and to his other adversaries, which they failed not to improve. Many and heavy complaints were made against him to the king, who appointed restitution to be made to those whom he had wronged out of his estate and revenues: and upon his brother the earl of Ormond and others, who had the charge of his affairs, refusing to comply with this order, the king in person marched with an armed force into the earl's provinces, reduced some of his castles, and made himself every where be obeyed. Accounts of these proceedings soon reaching Rome, dispersed the earl's retinue, and hastened his return. By making proper acknowledgments and promises, he obtained the king's forgiveness, and was even restored to confidence and favour. In the following April, he was one in a list of commissioners appointed by the king of Scotland, to meet with others from the king of England at Newcastle or Durham, in order to treat concerning the redress of breaches of the late truce. Soon after, he obtained from the king of England, for himself, three of his brothers, thirty of his friends and dependants who were named, and sixty-seven more of whatever quality, letters of safe-conduct, and protection for a year, extending to all the English dominions. This hath the appearance of private treating with the English court; agreeably to the accounts given by the Scottish historians: and, indeed the circumstances of the court of England make it very probable, that they might be negociating at the same time with the Scottish king, and his over-grown subject. For the English parliament had lately forced away from the queen, her favourite Suffolk, who was soon after put to death; and the insurrection of Cade in Kent, together with various other disturbances, strongly portended those dreadful civil broils that in a short time began to rage in that kingdom.

A. D. 1451. Rym. vol. xi. p. 283.

May 12.

Rym. vol. xi. p. 288.

In order, therefore, to establish quiet on the side of Scotland on a surer

Thomas Nevill, Thomas Stanley, James Strangeways, Henry Fenwick, Robert Ogle, Thomas Harington, Thomas Lumley, Richard Musgrave, John Skilton, Thomas de la More, John Heron, Robert Manners, with all the English admirals, and wardens of the English marches. On the part of Scotland, the conservators were, William earl of Douglas, George earl of Angus, John earl of Ross, Archibald earl of Murray, and Alexander earl of Crawford, William lord Crighton, William lord St. Clair, William lord Somervill, Herbert lord Maxwell, Alexander lord Montgomery, Andrew lord Gray, Patrick Hepburn of Hales, James of Crighton, barons; Alexander sheriff of Angus, Andrew sheriff of Fife, Simon Glendanning, Archibald Douglas, William Cranston, Walter Scott, Robert Crighton, Alexander Home, David Home, Alexander Ramsay, knights; James Rutherford, Nicholas Rutherford, Thomas Cranstoun, William Carlile, William Douglas, Adam Johnston, William Lauder. Their powers distributed as in former truces. This truce is not limited, as the two preceding, but extends to all the dominions of both kings by land and sea.

The oaths of the wardens of the marches, present and future, on each side, with those of all men of note living near the said marches, from Newcastle and Penrith towards Scotland on the one hand, and from Edinburgh and Dumfries towards England on the other, that they would strictly observe the truce, and neither by themselves or others, directly or indirectly, be guilty of any violation of it, were appointed to be solemnly taken; and in a month after, to be reciprocally notified to the wardens on each side, to be preserved with them on record.

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footing, there was a meeting of plenipotentiaries * from both kings, held at Newcastle in the month of August, who had it in charge to negociate and conclude a truce for a definitive time. Accordingly they put their seals to a new treaty on the 14th of the abovesaid month, in the church of St Nicholas, by which it was agreed, that a truce certain an undoubted should be observed between the nations, for three years, from the day following the date of this treaty. It was afterwards to continue during the pleasure of the kings, and the same delay of hostilities, after intimation of the purpose of either to recede from it, was agreed on as in the former treaty. An addition was made in this treaty to the article relating to the *hot-trodd*, or pursuit of robbers, or malefactors, either instant, or in six days from the commission of the trespass. In such circumstances, the person injured was allowed, as in former treaties, to pursue the offender into his own nation without any safe-conduct; but with the condition † following, that as soon as he entered the neighbouring kingdom in this pursuit, he should go to some man of good fame, residing within the march he had crossed; and having declared to him the cause of his doing so, should give him a particular account of the goods whereof he had been robbed, and should moreover require him to accompany him; that so he might, when called upon, declare the truth concerning what had been done by the pursuer, in the time of the pursuit. The article which for the first time appears in the former treaty, concerning the safe-conducts from each king to be lodged in the neighbourhood of the marches, is continued in this, with the following explication of the meaning of the *competent judge*, before whom redress was to be sought. By this *competent judge*, the present commissioners declared, they understood the warden of that march where the delinquent resided; and if the person complained of, had not his residence within the limits of either march, or could not be found within the limits of that where he actually resided, or was wont to reside, the plaintiff might, in that case, present a bill or schedule of his complaint to the warden, who should with all convenient speed transmit the bill, together with the plaintiff, if the latter desired it, furnished with letters of attestation and safe-conduct, to be delivered without fee or reward, to the chancellor of the kingdom, of which the person complained of was a subject; whereupon the chancellor should summon the party accused, and with all possible dispatch administer justice to the plaintiff ‡. In the conclusion of this treaty, there is a new article added for

James II. K. of Scotland. 1451.

Rym. vol. xi. p. 256.

Ib. p. 298.

Ib. p. 360.

* The Engliſh commiſſioners were, Robert biſhop of Durham, Richard earl of Saliſbury, Nicholas biſhop of Carliſle, Henry Percy lord Ponyng, Thomas lord Clifford, Sir William Lucy, Mr Richard Andrews doctor of laws, ſecretary to the king of England, Sir James Strangeways, and Mr Robert Dobbies, doctor of decretals. Thoſe from Scotland were, Thomas biſhop of Whithern or Galloway, Andrew abbot of Melroſe, confeſſor and treaſurer to the Scottiſh king, Andrew lord Gray, Maſter John Methven maſter of the Rolls and regiſter, Sir Alexander Home, and Alexander Knapier, knights.

† Continued in ſubſequent treaties.

‡ It would ſeem, that the concluſion of a new truce had been conſidered as putting ſome kind of obſtacle in the way of redreſſing the breaches of former truces. For an article appears for the firſt time in this, and is continued in ſubſequent treaties, by which it is agreed, declared, and ordained,

Henry VI. K. of England. 1451.

for the security of navigation. It declares, that because the subjects of one side were often greatly hindered in their navigation, and suffered other losses by being compelled by subjects of the other side, although these had sufficient knowledge by a cocket or other authentic document to what country the other belonged, to take away their sails, or to strike them, in whole or in part. It was now ordained, that subjects of either side should not treat in this manner those of the other, or in any way impede them in their lawful course; and, that those who did so, should be prosecuted and punished as breakers of the present truce *.

Leg. March, p. 69.

The signing of this truce was preceded by the same protestations that had been made, on occasion of the former, relating to the privileges of Berwick and Roxburgh, in the lands around them, and also relating to the debatable lands on the west-marches. The protestation likewise made by the English secretary at Durham, in September 1449, for saving the claim of the sovereignty of England over Scotland, was now renewed by the same person.

Rym. p. 356.

Ibid.

A. D. 1452. Carte, vol. ii. 742, 743.

The beginning of the following year was remarkable in England for the first insurrection of the duke of York. He had probably, before this time, fixed his eye on the crown; to which his title as the lineal heir of the duke of Clarence an elder son of Edward III. then John of Gaunt, was preferable to that of the reigning family. It is not likely however, he would have found sufficient numbers to favour and assist him, had not the loss of Normandy and Guienne abroad, together with many arbitrary and violent measures at home, brought an universal odium on the queen and her favourites; an odium which the mere innocence of the poor insignificant monarch was nowise sufficient to counterbalance. Edmund duke of Somerset succeeded Suffolk in the queen's favour; and the avowed design of York's insurrection was to remove Somerset and others of the council from the administration of public affairs, and to bring them to account for their malversations. By pretending to comply with these demands and a sham-confinement of Somerset, York was prevailed with to dismiss his forces, and to put himself in the power of the court. There he found Somerset at his liberty, and was for a short time deprived of his own; but his adversaries were deterred from proceeding to extremities against him, by reports of his son Edward approaching to rescue him, with a great force raised in Wales. Hereupon York was dismissed, and this breach of faith served still more to kindle his ambition and resentment. It was in the very time of York's insurrection in England, that the insolence and ambition of the earl of Douglas in Scotland, terminated in his own destruction. He had been detected in corresponding with

Aberc. vol. ii, p. 352, &c.

ordained; that it should be lawful for any person who had been robbed or injured, in breach of the truce lately concluded at Durham, to sue for redress before any competent judges in either kingdom, wherever he should think proper, and that full justice should be done him; the conclusion of the present truce, any custom, or any abuse, to the contrary notwithstanding. Rym. ib. p. 300.

* The conservators of this truce on the part of England, were all the same as those of the last, excepting William duke of Suffolk, who was put to death in the preceding year. On the part of Scotland they were all the same.

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the English court, and in order to support himself against his sovereign at home, had entered into a league with several of the chief nobles of the kingdom, by which they engaged to give help and defence to one another against all mortals. The king having required the earl's attendance at Stirling, he refused to obey, unless first furnished with a safe-conduct under the king's great seal. This being sent to him, he repaired to court with a numerous host of attendants. The king received him in the castle, and entertained him at supper with expressions of kindness; but having afterwards carried him into a chamber where the king and he were alone, and urged him instantly to renounce the traitorous association into which he had lately entered; and the earl being obstinate in his refusal, the incensed monarch finished at once his rebellion and life, by striking him to the heart with his dagger (*a*).

James II. K. of Scotland. 1452.

(*a*) Feb. 13.

This violent measure, though more probably the effect of policy than of passion, appeared by the event to be a very desperate one. For the relations, clients, and allies, of the deceased earl, headed by James his brother and successor, sounding aloud the charge of perfidy and cruelty against the king and his counsellors, broke out into a most furious rebellion. The division in the family of Douglas itself, by the earl of Angus, and Sir John Douglas of Dalkeith, adhering to the king; the wise and magnanimous counsels of Kennedy bishop of St Andrews, and the defeat given at Brechin by the earl of Huntly to the earl of Crawford, one of the most powerful of earl Douglas's allies, proved the means of supporting the throne, which, for some time, appeared in so tottering a condition, that the king had thoughts of asking refuge in France from the rage of his own subjects. This storm, however, was composed in the end of summer; and the earl on making certain concessions and giving the securities required for his future good behaviour, was pardoned and received into some show of favour.

Home of Godscr. vol. i. p. 362, &c.

May 18.

Ruddim Not. ap. Buchan. l. 11.

In the following spring, the earl was in so much confidence with the king, that he was appointed, along with two others, a plenipotentiary *, to treat with the court of England concerning the means of ensuring the observation of the truce that did then subsist, and also, of prolonging it to a more distant term. In pursuance of this commission, the earl with Robert Liddale of Balmure, one of his fellow-commissioners, met with Richard earl of Salisbury, and four others, commissioned by the king of England at Westminster, and concluded on the 23d of May, a new truce to continue from the 21st of May in the present year, to the same day in the year 1457, and afterwards, during the pleasure of the kings; either of whom, on resolving to recede from it, was obliged to give the other the warning required by the two former treaties. The articles of this treaty and protestations accompanying it, relating to Berwick and Roxburgh, were precisely the same as in the treaty preced-

A. D. 1453. Rym. vol. xi. p. 324.

* Earl Douglas's fellow-commissioners were, Richard abbot of Dunfermling, and Robert Liddale of Balmure, the king's *primus dapifer*, (steward of the household;) those of the earl of Salisbury were, Henry Percy lord of Ponnings, Sir Thomas Stanley, and Richard Andrew clerk, the king's secretary. Salisbury was then warden of the west march of England towards Scotland, and constable of the castle of Pomfret. Rym. ib. p. 339.

ing;

Henry VI. K. of England. 1453.

ing*; but no protestation was made for saving the superiority of England.

The ambition of the earl of Douglas, stimulated by the vindictive spirit of his mother, soon engaged him in a new rebellion. To add to his strength, he took to wife the † widow of his brother, the late earl, who had no children by her deceased husband, and was affirmed by the present earl to remain still a virgin. He solicited a dispensation for this marriage at the court of Rome, and to give the greater weight to his solicitations, he undertook, or declared his purpose to undertake, with a great company of his relations and friends, a pilgrimage to that city, in order to pay his devotions at the shrines of the Apostles. But the king had sufficient interest at Rome to prevent the granting of such a dispensation. The earl, his mother, and brothers, being declared rebels, and their estates confiscated by a decree of parliament; the king marched into Galloway, and reduced that province without resistance. The inhabitants of Douglas-dale being more obstinate, their country was abandoned to the spoil of the king's forces. The earl, however, and his friends, the chief of whom was Sir James Hamilton, were still able to keep the field with a mighty army. With this they marched towards the king, while employed in besieging the strong castle of Abercorn; but the earl having resolved to defer engaging with the king's army, until the day after he had arrived in its neighbourhood, was in the intervening night deserted by the lord Hamilton, who going over to the king's camp, threw himself on his mercy and was soon after received into a high degree of favour. The desertion of Hamilton being published in the earl's camp, produced an instant and almost total dissipation of his army, so that he and his brothers, attended with a very small company, were obliged to seek refuge in England.

Rym. vol. xi. p. 326.

Abercromby. Drummond.

In that kingdom, every thing conspired to depress the unfortunate Henry, and to promote the aspiring views of his rival, the duke of York. A last effort had been made for the recovery of Guienne, which for some time had a promising appearance, but this vanished upon the defeat and death of the brave Talbot; and that province was soon after wholly and for ever lost to the crown of England. In the beginning of the following year, Henry fell into a violent disease, that deprived him for a long time of the small portion of understanding he naturally possessed. This encouraged York with his powerful associates the earls of Salisbury and Warwick, to come to parliament; in which, and in the city of London, their favour and credit were so great, that Somerset being committed to the Tower, York was appointed by the council the king's lieutenant for holding the parliament, and soon after, was invested by the parliament with the office of protector and defender of the realm and church of England, which he was to exercise until the prince of Wales, an

A. D. 1454. Carte, vol. ii. p. 745, 746, 747.

* The promise and protestation, on the part of Scotland, was made by the earl of Douglas; and on the part of England, by Richard earl of Salisbury. They were made on the same day that the truce was signed. Rym. ib. p. 336. The English conservators are the same as in the former truce. In the Scottish list, James Rutherford is omitted, and Andrew Ker appears in his room, and Robert Lawder in the room of William Lawder.

† Her name was Beatrix.

infant

infant not many months old, should come to age. But the king having recovered, in some degree from his distemper, the influence of the queen prevailed with him and his council, to restore the duke of Somerset, to his liberty, and to annul the commission of the duke of York. This produced the first battle of St. Albans, where the duke of Somerset, Henry Percy earl of Northumberland *, and many other eminent persons on the king's side were slain; and the unhappy monarch falling entirely under the power of the duke of York and his junto, found himself obliged to justify all they had done, and to confirm them in the possession of their great offices.

James II. K. of Scotland.

A. D. 1455. March 31. May 22. Thurſday. (Hard.)

Such was the situation of the court of England, when the earl of Douglas obtained the grant of a pension from Henry of 500*l.* a year, to be paid for services to be rendered by him, until he should recover the whole, or greatest part of his possessions, which had been taken from him by the person *who called himself king of Scotland;* and in case of his recovering half of these possessions, he was to receive half of the above mentioned sum. The earl had in the beginning of this year made an incursion into the west borders, and coming to an engagement with the earl of Angus, assisted by the Maxwells, Johnstons, and Scots, received a total defeat; wherein one of his brothers, Archibald earl of Murray was slain, and another of them, Hugh earl of Ormond, taken prisoner. With the utmost difficulty he, and another of his brothers, John lord Balveny, made their escape to the territories of Donald earl of Ross and lord of the Isles; and having engaged him to become an accomplice in their rebellion, found means of returning again into England.

Rym. vol. xi. p. 367. Aug. 7.

The distress that the Scottish king had suffered from the exorbitant power and ambition of the Douglasses, prompted him to provide against such evils by laws as well as arms. Several useful ordinances in this view were made in different sessions of a parliament held during the present year. An act was made against offices being hereditary, particularly that of the warden of the marches; and all grants that had been made of such offices, since the decease, of the late king, were appointed to be revoked, excepting that of the warden of the marches, which the king had granted to his son Alexander, whom he had created also earl of March and Annandale. At a meeting of the same parliament held at Stirling in October, regulations were made for defence of the kingdom against any irruption of the English; who having violated the truce appeared now openly in support of the earl of Douglas. In this view it was judged expedient, that proper persons should watch at fords and other places between Roxburgh and Berwick, in order to advertise the country of the approach of enemies. The manner appointed of giving this advertisement was by kindling fires on the tops of eminences. For instance, when those who watched at the ford in Tweed nearest to *Home*, observed an enemy approaching, a fire was to be kindled at that place, or in the heights adjacent; which being seen by those, who watched on other hills within sight, the like fires, were to be kindled on them; by which means the alarm would soon be con-

Black Acts apud. Abercromby, vol. ii. p. 363, 364, 365.

Hume.

* Th' erle then of Northumberland wasthere,
Of ſodain chance drawn forthwith the king,
And ſlain unknown by any man were there. Hard. c. 234.

Henry VI. K. of England. 1455.

veyed to the most distant parts of the kingdom. The kindling of *one* fire was to be considered as a general intimation that enemies were approaching. If their number was considerable, *two* fires were to be lighted; and the number increased to three or four, according to the exigency of the case. It was judged, that by such a method of warning, sufficient numbers might be drawn together to Edinburgh or Haddington, to oppose the invaders, before they could penetrate far into the country. By another statute, two hundred spearmen, and as many archers, were appointed to be stationed on the east and middle marches: the forces abovementioned, were to be maintained at the expence of the lords, barons, and freeholders of the country; and in order to make an equal assessment on these, the sheriffs were appointed to transmit to the king lists of their names, with an account of the value of their lands and moveables. The gentlemen near the borders, were required to make their houses as defensible as they could, to chuse strong and able bodied men for the service of the war, and to have their horses and arms in readiness at the principal places of their residence, in order to attend the wardens or their chiefs, when required.

A. D. 1456.

Buchanan. Drummond. Abercromby.

These vigorous preparations for defence, did not deter the earl of Douglas from making new efforts to regain his estates and possessions in Scotland, and to revenge himself of his adversaries. While his ally, Donald of the Isles, was distressing the northern provinces by his barbarous ravages, Douglas accompanied by the desperate followers of his fortunes, and assisted by Henry Percy, earl of Northumberland, at the head of a considerable body of English, made an incursion into the Mers. Here he gave licence to his men to plunder and destroy, whereby he lost the affections of his countrymen; and while a great part of his followers, and those of the earl of Northumberland, were dispersed over the country, the earl of Angus, and Sir James Hamilton, suddenly appeared at the head of an army. A stand was made by so many of the forces of the invaders as could be drawn together; but they were totally defeated, many of them slain, and seven hundred taken prisoners; while those who were employed in plundering, retired with all the speed they could into England, with their booty, which was very considerable. Douglas being thus again repelled, and his ally in the North soon after reduced to extremities, withdrew into England, and gave no farther disturbance to his country, during the reign of James II. It appears, however, to have been equally the maxim of all administrations in England, to support the head of so mighty a family, formidable to his sovereign at home, and, at the same time, by his power on the marches, capable also of being very useful or hurtful to England. For though the queen, in the beginning of the year, had regained the ascendant in the government, and the duke of York was dismissed from his charge; yet the grant of the same pension * that had been settled on Douglas by the court of

Holingshed, p. 276.

July 22.

* Douglas, in both these grants, is called the king of England's *faithful and beloved*, and the pension is granted for *his services*; proofs that he had sworn allegiance to the English king. Part of his pension, by the settlement made in the grant of this summer, is appointed to be paid out of the rents and profits of certain fisheries in Tweed, in the county of Northumberland. Of these Oxstalle, Hexstalle, See, Cadman, and Stret, are mentioned. Rym. ib. p. 382.

of England last summer, was renewed in the course of this, with an alteration only in the funds on which it was assigned. James II. K of Scotland. 1456.

The advantages gained on the borders, by the arms of the Scottish king, seem, in a great degree, to have dissipated his apprehensions on that side. A parliament that met in October at Edinburgh, were of opinion, that the borderers were in a condition to defend themselves; their store of corn being greater than in the preceding year, and that of their neighbours in England less. A cessation of arms had also been agreed until Candlemas, on the east and middle marches; which the parliament apprehended might, without difficulty, be extended to the west. They also judged, that, from the present circumstances of the English, they would easily consent to prolong this cessation. Yet, to provide for the worst that might happen, they appointed the fencible men of the inland country to be in readiness with their horses and arms, and to be mustered once every thirty days. They likewise advised the king to procure the help of the great towns in furnishing cannon, carriages, and skilful artillery-men. Aberc. vol. ii. p. 367.

It soon appeared, that the Scottish parliament had not been mistaken in their conjectures, concerning the pacific disposition of the court of England. A negociation being set on foot in the following spring, a new truce was on the 10th of June concluded at Coventry, to commence from the 6th of July at land, and from the 22d of the same month at sea, and to continue two years, respectively, from these dates *. The treaty of this truce consisted of the same articles, and was accompanied with the same protestations as the preceding; only the article relating to wool and hides, which had been omitted in some of the preceding treaties, was restored in this; and also the article relating to the subjects of either kingdom going into the service of the enemies of the other †. In the end of the year, the two kings, without any new meeting of A. D. 1457. Rym. vol. xi. p. 389. Ib. p. 346. Ib. p. 331. Rym. ib. p. 407

A few days after this grant, a letter, in a moſt reproachful and menacing ſtrain, as to a faithleſs and rebellious vaſſal, was written by the king of England to the king of Scotland; and it appears, from the tenour of it, to have been a return to one written in the ſame ſpirit by the king of Scotland to his royal neighbour, and ſent by his Herald Lion king at arms. Rym. vol. xi. p. 383.

* It was to be afterwards continued, at the pleaſure of the kings, in the ſame way as had been agreed in the late treaties. Only the previous warning of one hundred and eighty days is here changed into ſix kalendar months.

† The revival of this article ſeems to have been occaſioned by preparations that were making in France to invade England; in which ſervice, it was probable ſome of the Scots would engage. Stowe mentions an inroad made about this time, by the Scots into Northumberland, and of their retiring in haſte, on hearing of the duke of York leading an army towards them, p. 402. But there is no mention of this in the Scotch hiſtorians.

The Engliſh commiſſioners, employed in negociating this treaty, were, John Prior, of St. Mary's church in Coventry, Mr Laurence Both, keeper of the privy ſeal, and archdeacon of Richmond, Mr John Arundel, chaplain to the king, and Sir Philip Wentworth. Thoſe from the king of Scotland, were, Andrew abbot of Melroſe, Patrick lord Graham, Thomas Vauſſe dean of Glaſgow, king's ſecretary, and George Faulaw, merchant.

The Engliſh conſervators are the ſame as in the laſt truce. Only a new Henry earl of Northumberland appears, in the room of his father, who was ſlain at St. Alban's. Inſtead of Thomas Stanley, is Thomas Lord Stanley, and Ralph Grey is omitted. In the Scotch liſt there are a good many more alterations. It ſtands in this treaty as follows: John earl of Athol (uterine brother to the king), John earl of Roſs, George of Angus, Alexander of Huntley, William of Caithneſs,

Henry VI. K. of England. 1457.

of commissioners, agreed to a prolongation of this truce, in all its articles and conditions; to be observed both by land and sea, for four years after the terms of its expiration that had been fixed in the late treaty *.

The ambition and great power of the duke of York, and his two mighty allies, the earl of Salisbury, whose sister York had married, and the earl of Warwick, Salisbury's son, on the one hand; and the incurable jealousy and resentment of the queen against these lords, and their faction on the other, prolonged the intestine troubles of England. The queen, in the former part of this year, thought to have got the heads of the faction into her power at Coventry; but being warned by their secret friends at court of her intention, they retired with all speed to places of safety. Warwick's retreat was Calais;

A. D. 1458.

the government of which rendered him very formidable. In the beginning of the next year, by the mediation of the archbishop of Canterbery (Bourchier) and others, and at the earnest desire of the poor innoxious monarch, a meeting of the contending parties was held at London, and a solemn agreement concluded between them. In consequence of this, York and his friends were restored to their places in the king's council, and many months passed in seeming tranquillity; but an end was put to this about the following Candlemas,

Carte, vol. ii, p. 751.
A. D. 1459.

by a quarrel between the servants of the king and the earl of Warwick, which proceeded to such a height, as to endanger the earl's life, and was soon discovered to have been a contrivance of the queen to destroy him. Warwick hurried over to Calais; and Salisbury, having in vain solicited satisfaction for the attempt on the life of his son, raised, in concert with the duke of York, a body of forces in Yorkshire, with which he defeated at Bloreheath an army

Sept. 23.

in the service of the king, commanded by lord Audley. But about three weeks after, a sad reverse came on the affairs of York, by a sudden desertion and dissipation of his followers, when just ready to encounter a new army, which the king had raised and led against him, to Ludeford, in the neighbour-

Oct. 13.

hood of Ludlow. The duke himself, with his second son the earl of Rutland fled to Ireland; and the earl of March, his eldest son, together with the earls of Salisbury and Warwick, made their escape to Calais.

Rym. ib. p 426.

Although the court of England, during the summer of this year, had maintained the ascendant over the Yorkists; yet, aware of the storm that was gathering, they still took care to cultivate the friendship of the king of Scotland. Nor was this prince averse to pacific measures. Commissioners were named

John lord Somerwell, Robert lord Maxwell, Alexander lord Montgomery, Andrew lord of Annandale, Patrick lord Hales, Andrew lord Gray, Alexander ſheriff of Angus, Archibald ſheriff of Roxburgh, Alexander Home, Walter Scot, Simon Glendinning, Robert Crighton ſheriff of Nithſdale, William Cranſton, David Home, knights, Thomas Cranſton of that ilk, James Rutherford, ditto, John Johnſton, ditto, Andrew Ker of Ceſsford, George Ormſton of that ilk, Charles Murray of Kokpool, William Karliſle of Tothorwald, Eſq. In all theſe treaties, the wardens of the marches on each ſide, and admirals of the ſeas, are, without particular mention of their names, added to the liſt of conſervators.

* The king of Scotland gives as his reaſon, for conſenting to this prorogation, his earneſt deſire of preſerving the peace of his ſubjects, and of keeping the ſame with all Chriſtians, and his regard to the admonitions of Pope Calixtus, exhorting all Chriſtian princes to peace among themſelves, in order to the defence of the catholic faith againſt the Turks.

by

by each king in the month of July to meet at Newcastle, in order to treat of mutual redress of wrongs committed against the truce; and at that place was also concluded on the 12th of September, a prolongation of it for five years beyond the period last agreed to; which extended it to July in the year 1468 *. The terms of this truce were altogether the same as that of the preceding; but it was not accompanied with any of the protestations annexed to the treaties of this kind that had been concluded since 1449 †. James II. K. of Scotland. 1459.

The flight of York and his allies, with the total dissipation of their adherents and followers, made the queen and court of Henry imagine, for a while, that all was secure on their side. They proceeded therefore, in a parliament soon after called at Coventry, to declare the insurgents rebels and traitors; and to confiscate their estates. But the interest of York, and that of the earl's allies, was so strong in many parts of the nation, and the queen and her favourites so generally hated, that those severities served much more to sharpen the zeal and resentment of the Yorkists, than to diminish their strength. Warwick, after having made a voyage from Calais to Ireland, in order to concert matters with the duke of York, passed over, accompanied with March and Salisbury, into Kent; where the small body they had transported from Calais soon increased to a considerable army, by the great conflux from all the neighbouring countries. They were received with open arms by the citizens of London on the 2d of July; and proceeding thence to Northampton, fought, and gained a battle, wherein the king fell into their hands; and from which the queen and her son, the young prince of Wales, made their escape, first into North Wales, and afterwards into Scotland ‡. Nov. 20. A. D. 1460. July 10.

It is more than probable, that the king of Scotland had been solicited by each of the contending parties, to engage on their side. But that an amicable intercourse subsisted between the courts of England and Scotland, a very short time before the descent from Calais, seems probable from a safe-conduct granted at Coventry on the 2d of June, to commissioners from the Scottish king, who were to come to York, Newcastle, or Durham, in order to treat of matters relating to the preservation of the truce, and the redress of wrongs committed, in breach of it, by the subjects of either nation. The disorders that immediately followed, did, undoubtedly, prevent this intended congress of commissioners; and of these disorders, the king of Scotland delayed not to take advantage, in order to recover the places which the English had long held within the ancient boundaries of his kingdom. Having speedily raised an Rym. ib. p. 453.

* The commissioners who negociated this truce were, on the part of England, Laurence bishop of Durham, keeper of the privy seal, John viscount Beaumont, great chamberlain of England, Richard Andrew, dean of York, and John Lilliford, dean of Aukland; on the part of Scotland, Thomas bishop of Aberdeen, counsellor to the king, Archibald and Andrew abbots of Holyrood-house, and of Melros, William lord Borthwick, Sir Robert Livingston of Drumroy, and Mr Nicholas Otterburn, clerk of the rolls and register.

† Perhaps they are omitted by Rymer. In the list of English conservators, among the noblemen, Thomas lord Stanley is omitted, and John earl of Shrewsbury (son of the famous Talbot) is added: instead of Thomas, is John lord Clifford; the knights and gentlemen are Thomas Neville, Ralph Gray, James Strangeways, Henry Fenwick, Robert Ogle, Thomas Harington, Thomas Lumley, Richard Musgrave, John Heron, Thomas de la More, Robert Manners. The Scots conservators are all the same as in the preceding treaty.

‡ Some say into the bishoprick of Durham. Rapin, vol. i. p. 584.

army

Henry VI. K. of England. A. D. 1460.

army, he led it against Roxburgh *. At the first assault he took the town and levelled it to the ground. He then laid a regular siege to the castle; but carried it on slowly, hoping that the little prospect the garrison had of relief from their countrymen, would dispose them to capitulate; and also waiting for the arrival of more forces from the distant parts of his kingdom. The earl of Ross, in order to compensate for past offences, by a display of zeal in the present service, brought a numerous band from the Western Highlands and Isles. About the same time arrived the earl of Huntley, with his followers. The king, as a mark of friendship to the earl, to whom he had owed so much for his service in the rebellion of Douglas, conducted him to the trenches to see a discharge of his artillery: one of which, called the Lion, was remarkable for its vast size. The king was very fond of these engines of death; and stood so nigh to one of them, which burst in discharging, that a splinter, or wedge of it, broke his thigh-bone, and instantly struck him dead. The earl of Angus, who stood near him, was sore wounded. The queen, with her eldest son, a boy about seven years of age, was in the camp at the time of this miserable accident, or arrived soon after it. She sustained the loss with heroic firmness, and urged the Scottish chieftains to cease their unavailing lamentations, and to testify the regard they bore to their sovereign, by pushing on with unabated vigour, the enterprise in which he had fallen. Her example and exhortations, had a great effect in exciting the besiegers to exert their utmost efforts; and the garrrison soon finding themselves reduced to extremities, surrendered the fortress, on obtaining leave to retire with their persons and goods in safety. And that the place which the English had held for more than a hundred years, might thenceforth cease to be a centre of rapine and violence, or a cause of future strife between the nations, the victors reduced it to a heap of ruins. The Scottish nobles seizing also the opportunity of their being assembled in the royal army, performed at Kelso, the ceremony of consecrating and crowning the young king; and afterwards paid their homage, and swore fealty to him in the usual manner.

Ib. p. 374. Grafton, ap. Speed.

Aug. 3.

* Moſt of the Engliſh writers ſay, that the king of Scotland undertook this expedition at the ſolicitations of the court of Henry; aſcribing the ſucceſs of theſe ſolicitations to the relation of the Scottiſh king, by his mother, to the houſe of Lancaſter, and to the deſire of James to revenge the death of his uncle the duke of Somerſet who was ſlain in the firſt battle of St. Alban's. Some of them alſo ſay, that the caſtle of Roxburgh was in the keeping of Henry's enemies (Speed, p. 670.) The greateſt part of Scotch writers, on the other hand, aſſert, that the king entered England at the deſire of the Yorkiſts; that a feigned embaſſy from the Pope, ſuborned by Henry's miniſters, prevailed with him at firſt to diſmiſs his army; that, on diſcovering the impoſture, he raiſed it anew; farther, that the duke of York engaged him to undertake this expedition, by an offer of reſtoring the lands and fortreſſes in England held of old by the Scots; and that the duke, after having ſecured his own pretenſions, by the victory at Northampton, ſent a meſſage to the king of Scotland, while before Roxburgh, deſiring him to return to his own dominions, his aid being no longer neceſſary; which requeſt that monarch rejected with diſdain. The latter circumſtances of this account do not agree with the chronology of the events of thoſe times. The other account ſeems, on the whole, more probable; though perhaps Drummond's conjecture is more likely than either; that the king of Scotland, leaving to poſterity to divine what ſide he had reſolved to join, ſeized the opportunity of the diſtractions in England to recover Berwick and Roxburgh; which had been torn from Scotland, during conteſts for the crown of that nation, reſembling thoſe that had now ariſen in England. Drummond, p. 35. fol.

Henry,

James III. K. of Scotland. 1460.

Henry, who, since the battle of Northampton, remained wholly in the power of the earls of Salisbury and Warwick, gave a commission, bearing date nine days after the death of the Scottish king, to the former of these earls, to raise the fighting men of seven of the northern counties*, and to march at their head, to oppose the invasion of James king of Scotland; and particularly to rescue the castle of Roxburgh, and town of Berwick, from the sieges, which, according to very credible information, the Scots had laid to both, it is probable, from this authority, that the Scots had made a show of besieging Berwick, or perhaps blockaded it for some time. But it does not appear that any progress was made in that enterprise. The Scottish army, however, continued for some time gathering booty to themselves, by hostilities on the English marches; where they laid waste the country to a considerable extent, and destroyed several castles. The most remarkable of these was the castle of Wark; which, in this inroad, they took and demolished. An early winter, more than any opposition they had to fear from England, in its present convulsed state, hastened their return to their own country.

Rym. ib. 461.

Buchanan.

Richard duke of York, returning from Ireland, on the news of the success of his friends in England, laid open claim to the crown, at a parliament held at Westminster in October. By this parliament he was declared rightful heir; but it was ordained, that Henry should hold the crown during the remainder of his life; and that, while Henry lived, York should be protector of the kingdom. But the queen, instead of approving of this settlement, or obeying a summons that was sent to her to return to the court, with her son, in order to their giving their concurrence to it; exerted all her efforts to raise an army in the northern counties, where the barons were, for the most part, on her side. The duke of York marched hastily against her; and disdaining to be braved by a woman, had the temerity to encounter her army, although more than three times stronger than his own, in the neighbourhood of Wakefield. He himself fell in the field of battle. His second son Rutland was killed by the lord Clifford in his flight; and Salisbury being taken prisoner, was beheaded at Pomfret. This heavy loss did not discourage the earl of March, York's eldest son, a youth at that time about eighteen years old. He had been sent by his father to raise forces on the borders of Wales. With these, soon after the battle of Wakefield, he gave a defeat at Mortimer's Cross, near Ludlow, to an army of Welch and Irish, who were on their way to join the queen. This victory put him in condition to give a timely support to the earl of Warwick, who had been defeated by the queen in the second battle of St. Albans; her regaining the possession of Henry, by this victory, gave her a new accession of strength. Her army consisted, in great part, of the inhabitants of the northern marches, who had been allured to follow her, by the promise of licence to plunder the country on the south of Trent. Accordingly, giving a loose to their domestic habits of rapine and cruelty, they spread desolation all around them; and thereby greatly hurt the cause they

Dec. 30.

A. D. 1461.

Feb. 1.

Feb. 17.

* These were, York, Nottingham, Derby, Cumberland, Westmoreland, Northumberland, and Lincolnshire.

were

Henry VI. K. of England. 1461.

were employed to serve. London shewing an unsurmountable aversion to the queen, and horror of her followers, and the young duke of York and Warwick approaching fast towards her, she thought proper to retire to the north, allowing her adversaries an undisturbed entrance into the capital. The interest which the deceased duke had long possessed in the affections of the citizens, joined to his son's prowess and extraordinary comeliness of person, made his way very easy to the throne; which he mounted with the universal applause of the city and army. But the spirit of the queen was invincible; and Henry had still a great party attached to him in the northern parts of the kingdom. The forces raised in these provinces, together with some drawn from the marches of Scotland, are said to have amounted to no fewer than sixty thousand. Edward and Warwick, at the head of forces considerably inferior in number, marched against this northern army, and having encountered them, between Saxton and Towton*, after a most tedious and bloody conflict, gave them a total defeat; which did at last decide the quarrel in favour of the house of York. Besides many other men of renown, the great northern earls† of Northumberland and Westmoreland fell in this field of blood. Henry and his queen waited the event of the battle at York; and as soon as they learned it, fled with the utmost precipitation into Scotland, accompanied by the dukes of Somerset and Exeter, and others of their friends.

Edward IV. K. of England. March 4.

March 29.

The regency of Scotland had been intrusted, during the minority of James III. by the parliament, to a council of lords and prelates; amongst whom, to the unspeakable benefit of his country, James Kennedy, bishop of St. Andrews, a man mature in years and wisdom, maintained the ascendant, while he lived. The queen-mother, who is said to have aspired to the regency in her own person, was obliged to content herself with the guardianship of the king and her other children. The Scottish regency gave a hospitable reception to the royal fugitives from England. To this they might be in part inclined, by the connexion of blood between their sovereign and the house of Lancaster, and by the interest that Henry had in those counties of England that bordered on Scotland. But farther to attach to his interests the court and nation of Scotland, Henry gave up the town and castle of Berwick; which the English had held, without any considerable interruption, for the space of one hundred and twenty-eight years. This surrender was made to the Scots on the 25th of April; and the young king of Scotland made a visit to his new acquisition, on the 15th of the following June. Another circumstance favoured the interest of the unfortunate Henry at the Scottish court: Margaret of Anjou the exiled queen, and Mary of Gueldre the queen-dowager of Scotland, were both of the royal blood of France; and they very much resembled each other in their bold and masculine tempers. Hence a strict friendship soon arose between them; the consequence whereof was, the project of a marriage between Edward the eldest son of Henry, and Mary eldest sister to James of Scotland; to which the court of Scotland, and followers of Henry, readily gave their consent.

Rot. parl. 1 Edw. IV. ap. Carte, vol. ii. p. 762. Stowe, p. 416.

* About ten miles south from York.

† Henry Percy and John Neville.

Edward

James III. K. of Scotland. 1461

Edward king of England, after his great victory at Towton, marched northward as far as Newcastle; but although several castles in Northumberland continued in the hands of his enemies, he did not think the reducing them of so much moment as to detain him in the north. He committed to the earl of Warwick the charge of the borders, with the title of warden and commissary-general of the marches of England towards Scotland, in the parts both of the east and west march, and of the king's dominion of Scotland; and left in the north a body of troops to oppose the excursions from the fortresses that were possessed by the friends of Henry. He also empowered Warwick, to treat and conclude truces, from time to time, with the king of Scotland; and that the court of Scotland, notwithstanding the reception they had given to Henry, did not utterly renounce friendly communication with Edward, appears from a safe-conduct granted by the latter to several Scotchmen of the first rank coming as ambassadors into England. The charge of the east marches, and the English king's dominion in Scotland, being soon after devolved on Sir Robert Ogle, this new warden was authorised to conclude a truce with Scotland, for a year, or any less space, after the ensuing term of Martinmas; from which it seems probable, that a short truce, already subsisting, was at that time to expire. Edward, however, knowing how deeply the Scottish court were engaged in the interests of Henry, was taking care, in the mean time, to find them work at home, by carrying on a treaty with the lord of the isles; who became his liege-man, on condition of certain annual pensions to himself and friends, and of his receiving and holding, of the crown of England, the northern provinces of Scotland, when that kingdom should be conquered from its present sovereign. The exiled earl of Douglas was employed in negociating this treaty with his old friends; and, besides his pension being continued, that had been settled on him in the preceding reign, it was an article in the treaty with the lord of the isles, that, on the event of a conquest being made of Scotland, by the king of England and his allies, Douglas should be restored to his lands on the south of the Scottish sea, holding them of the crown of England. The king of England also engaged, that each of these chieftains, or their dependents and followers, should be comprehended in any truce that might be concluded between him and the king of Scotland.

Rym. ib. 475.

August 2.

Sept. 24. Ib. p. 476.

Nov. 5. Ib. p. 477.

Ib. p. 484.

Ib. p. 492.

Mean while Henry's queen had passed over into France, to solicit assistance from Louis XI. who had lately succeeded his father Charles VII. But the circumstances of the queen were too desperate, and the character of Louis too interested, for her obtaining any effectual succour from that quarter. She was allowed however to levy a small number of troops; and Peter de Brezé, a commander of fame, who having incurred the king's displeasure was at that time in prison, was restored to liberty, on condition of his entering into the service of René king of Sicily, the father of the exiled queen, and conducting the troops raised for her service into England. Brezé, after a hard passage, landed on the coast of Northumberland with about five hundred men at arms. He was soon after besieged in the castle of Alnwick, by the lord Hastings, Sir Ralph Gray, and Sir John Howard. The siege afforded an

A. D. 1462.

Edward IV. K. of England.

1462.

Aberc. vol. ii. p. 386. Buchanan.

opportunity to *George Douglas*, earl of Angus, to exert himself in the service of the exiled king and queen; who had taken care to attach him to their interests, by a large grant of lands in England. Angus, who was warden of the Scottish marches, collecting a numerous body of horse, advanced with them very suddenly into the neighbourhood of Alnwick, and Brezé bravely seconded the effort made to save him, by sallying out with his Frenchmen; who, meeting with no opposition from the besiegers, were conveyed by Angus, in safety, into Scotland *.

A. D. 1463.

William Wyrcestre, ap. Carte, vol. ii. p. 766.

Margaret finding that the succours which had come from France were too inconsiderable to encourage the Northumbrians to join her, sailed over again, in the spring of the following year, into that country, from the west of Scotland. Having obtained the loan of a small sum, and a supply of two thousand men from the French king, on condition of delivering up Calais, as soon as that should be in her power, she set sail for the northern coast of England, and landed in October near Bamburgh.

Carte, vol. ii. p. 766.

Still the country did not take arms in her favour; but either, through the treachery of Sir Ralph Gray, who was made governor of the castle of Alnwick, after the French had left it in the preceding summer, or on account of scarcity of provisions, that fortress soon fell into her hands. Hearing however of Edward's approach †, with a numerous army, she found it necessary again to seek refuge in Scotland. For this purpose she went on board the fleet that had brought her from France; and her general Brezé ‡, accompanied her with some part of his forces. But a violent tempest suddenly arising, the queen, not without great danger, escaped into the port of Berwick, and Brezé being driven ashore at Holy Island, his ships were burnt, and four or five hundred of his men were either made prisoners or killed, by the bastard Ogle and John Manors: Brezé himself escaped in a fisher-boat, which conveyed him to the queen at Berwick.

Stowe, p. 417.

Edward, on arriving in Northumberland, finding no enemy in the field, laid siege at once, to the three castles of Alnwick, Bamburgh, and Dunstanburgh §. Bamburgh was surrendered on Christmas eve; and the duke of Somerset, and Sir Ralph Percy, who had held it out for Henry, were pardoned and received into favour, while the

Carte.

* Carte says, that this undisturbed retreat of the French, was in consequence of an agreement between the besiegers and the Scotch army. Carte, vol. ii. p. 766. The castle was entered by Edward's men 30th July. Carte, ibid.

† Edward set out from London on November 30, St. Andrew's day, Stowe, p. 417.

‡ Brezé's son, together with the lord Hungerford, were intrusted with the keeping of the castle of Alnwick, with a garrison of three hundred men. The duke of Somerset, the earl of Pembroke, the lord Roos, and Sir Ralph Percy, had the keeping of the castle of Bamburgh, with a garrison of three hundred men. Some others of less note kept the castle of Dunstanburgh, with one hundred and twenty men. Stowe, p. 417.

§ The castle of Alnwick was besieged by the earl of Warwick, the earl of Kent, the lord Powis, the baron of Graystock, the lord Cromwell, and ten thousand men. The castle of Bamburgh, by the earl of Worcester, the earl of Arundel, the lord Ogle, the lord Montagute, and one thousand (as it is printed in Stowe; probably it should be ten thonsand) men. At the siege of Dunstanburgh (wherein were Sir Richard Tunstal, Thomas Findern, Dr Morton, and others, with one hundred and twenty men) were, the lord Wenlock, the lord Hastings, and two other lords, with ten thousand (so printed in Stowe, perhaps it should be only one thousand) men.

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earl of Pembroke and lord Roos made their escape, or were suffered to retire into Scotland. Dunstanburgh was yielded three days after; and Alnwick, which was besieged by the earl of Warwick, was taken on the 6th of January; the French general Brezé, at the head of some of his own countrymen, and a considerable army of Scots, having attempted in vain to relieve it *. In the following spring queen Margaret still renewed her efforts; but they were the last she made from that quarter. The government of Scotland had, in effect, abandoned her, by a truce concluded with Edward in the preceding December; but the interest she had cultivated with some of the Scottish chieftains, and the hopes of booty, inspired by the licence she gave of plundering, enabled her again to enter Northumberland †, at the head of a very numerous army. Sir Ralph Gray surprised the castle of Bamburgh; which, as well as that of Alnwick, was in the keeping of Sir John Astley; and having garrisoned it with Scotchmen, held it for the queen. The duke of Somerset and Sir Ralph Percy, animated by the accounts they received of her numbers and successes, deserted Edward, and joined her, with their followers. Edward, alarmed by these commotions, ordered a fleet to the northern coast; and marched himself to York, accompanied by his chief nobility and a large army. But the storm was soon quashed by the vigilance and bravery of Sir John Neville lord Montacute, brother of the earl of Warwick, whom Edward had, in the preceding summer, appointed warden of the eastern march, and of his dominion in Scotland ‡, and to whom he now sent a reinforcement of good troops from the interior parts of his kingdom. A party of Henry's forces were defeated by Neville, at Hedgely-moor, where Sir Ralph Percy, deserted by his companions in command, fell fighting bravely in the field of battle §. And, three weeks after, Neville, having attacked the principal invading army in their camp at Livels, near Hexham, totally defeated and dispersed them. The queen and her son, with the utmost difficulty, and, as it is related, by the aid of a generous robber, having gained the sea coast, passed over to Sluys in Flanders; while the poor king was conveyed by some of his friends into Lancashire; where, after lurking more than a twelvemonth he was discovered, and carried prisoner to the Tower of London. The lord Montacute, twelve days after the battle of Hexham, was, in reward of his great services, created

James III. K. of Scotland. 1463.

A. D. 1464. Carte, p. 767.

Rym. vol. xi. p. 510.

Rym. vol. xi. p. 500.

Hall, f. 190. April 25.

May 15.

* The account given by Stowe of this expedition of Brezé, has a great resemblance to that which the Scotch historians ascribe to the earl of Angus, as above related in 1462. The chronology of these events is very much embarassed by the inconsistent accounts of historians.

† Upon entering Northumberland, in this expedition, the queen left her son prince Edward at Berwick; but she must have soon afterwards sent for him, as he was with her at the battle of Hexham.

‡ By *his dominion in Scotland* is probably meant, Berwick, with its bounds, and the castle of Roxburgh, which after so long possession it was natural for the king of England still to claim.

§ Sir Ralph Percy, abandoned by the lords Hungerford and Ross, his companions in command, fell fighting bravely in the field of battle; several of his faithful attendants sharing in his fate. Percy, when dying, said, that he had *saved the bird in his bosom*; meaning, that he had kept his promise and oath to Henry VI. In memory of his fall was erected, on the field of battle, the cross which still stands at a small distance from the high-road, between Glantown and Wooler, called Percy's Cross; and bearing rude sculptures on its four sides of the armorial ensigns of the Percy family. Hall, ibid.

Edward IV. K. of England.

1464.

earl of Northumberland *; and received a grant of the estate of the forfeited family of Percy. He was also empowered, in conjunction with the earl of Warwick, to receive rebels to mercy upon their submission. Sir Humphrey Neville and Sir Ralph Gray were the only persons excepted from this privilege; and Warwick and Northumberland were empowered to reward, out of the estates of these rebels, such as should faithfully serve the king in reducing the castles of Northumberland, that were still in the hands of traitors. Sir Humphrey Neville, being afterwards taken, was executed at York; and Sir Ralph Gray, knowing that his case was desperate, defended the castle of Bamburgh until the end of July. This castle was besieged by the two earls; and a tower of it being beaten down by their cannon, so crushed and stunned the governor in its fall, that he was taken up for dead, and the garrison instantly surrendered the fortress: but, having recovered, he was carried prisoner to York; and judgment being pronounced against him, by the earl of Worcester high constable of England, he was executed as a traitor †. Warwick advancing from Bamburgh to Berwick took the town ‡, and laid waste the adjacent country. He is also said to have burnt Jedburgh, Lochmaban, and many other places; taking in this manner revenge of the Scotch borderers, who, it is probable, were chiefly concerned in the late inroad into England §.

Rym. vol. xi. p. 427.

Stowe, 418.

Whatever aid Henry might have obtained in his two last incursions from the unruly borderers, or some particular chieftains, who could not be sufficiently restrained by the Scottish regency, it is certain, that the regents themselves

* So says Carte, from Pat. 4. Edw. IV. p. 1. m. 10. But he is called earl of Northumberland in a joint commission with the earl of Warwick, and the bishop of Exeter, his brothers, and others, to negociate a truce with Scotch commissioners, dated at York, 26th May.

† Carte says, that, before his execution, he was degraded from the order of knighthood. The contrary appears from Stowe. Every thing was ready for this degradation; and particularly the master cook with his apron and knife, to strike off the spurs close by the heels; but this part of his punishment was remitted by the king, on consideration *of his noble grandfather, who suffered trouble for the king's most noble predeccssors*. Stowe, p. 418. who gives the very words of the high constable's sentence.

‡ Warwick's taking of Berwick is probably a mistake, as no other historian mentions it. If he did take it, upon his return to the south, it is probable he abandoned the town, as not tenable, and the Scots from the castle (which Stowe does not mention as taken by Warwick) immediately resumed possession of it.

§ Stowe says, that Warwick, after the expedition, in which he thus laid waste the Scottish borders, returned to Berwick (p. 417). This circumstance, joined to that of a long truce being concluded between the kingdoms, on the 1st of June 1464, and to an appointment of Warwick and others, dated 11th June, to hold a march meeting at Lochmaban-stane, for mutual reparation of injuries. (Rymer, vol. xi. p. 527.) makes it appear very improbable that the taking of Berwick (if true) and inroad on the borders of Scotland, should have happened this summer. Stowe seems to place it in the summer of the preceding year; and says, that Warwick, after taking Berwick, made in it five bannerets and twenty-two knights. He also says, that about midsummer in the same year, the Scots, accompanied by many French and English laid siege to the castle of Norham; but were not able to take it. It appears from a commission to Warwick, in summer 1463, (June 2), to array the able bodied men of Westmoreland; that there was at that time an alarm of Henry's being ready to invade England with Frenchmen and other adversaries: and though the queen came not over till October, it seems not improbable, that her friends in Scotland, together with the English refugees, attempted something in the course of that summer.

Rym. vol. xi. p. 501.

were

James III. K. of Scotland. 1464.

were no longer disposed to give shelter or support to that unhappy prince; they knew that France was not to give him any effectual succour, and without this, all that they could do, in conjunction with his broken and dismayed party in England, could be of little avail to restore him. This situation of affairs had produced a truce in the preceding month of December, which was to continue from the 16th of that month by land, and the 1st of February by sea, until the last dayof October next ensuing. By this truce, the kings of each nation were mutually obliged to give no protection to rebels or traitors against the other, nor to grant safe-conducts to any such, after the expiration of those already given; and this article was extended in particular to Henry late king of England, Margaret his wife, Edward his son, and those noblemen and others of their party who had been refugees in Scotland. It was farther agreed, that the benefit of the truce should be enjoyed by the earl of Douglas *, as having become the liege-man of the king of England; and that other Scotchmen who had, or should, become liege-men to that monarch, should also be comprehended in it; and to put matters in this respect on an equal footing between the kings, it was farther agreed, that, if Henry, his wife, and son, or any of their adherents, should become the liege-men of the Scottish king, the benefit of the truce should also extend to them. One principal view of this short truce, as is declared in Edward's ratification of it, being to give opportunity to treat of a longer one, or of a lasting peace between the nations, a meeting of plenipotentiaries from both kings was held at York, in May, and a treaty concluded, on the first of June, by which a truce was agreed for fifteen years, to be reckoned from the last day of October, on which the short truce at present subsisting was to expire. By this treaty the two kings engaged, as before, to give no protection to the rebels or traitors of each other. Henry, in particular, his queen, son, and their adherents, were no longer to have aid of any kind from the king of Scotland or his subjects, or farther shelter in that kingdom, after the expiration of the safe conducts which then subsisted, and which were not to be renewed. It was not to be imagined, that Henry, his wife, or son, were to purchase the protection of the Scottish king, by becoming his lieges; nor does it appear that any of their adherents had this recourse. If they had, they would, no doubt, have been comprehended in this truce: as were the earl of Douglas and other Scotchmen, who, before the date of it, had become the liege-men of the king of England. But, in order to prevent for the future, the obvious inconveniences and mischiefs of the subjects of one kingdom transferring their allegiance to the sovereign of the other, it was agreed in this treaty, that neither of the kings, during the truce *now* concluded, should receive into his allegiance any of the subjects of the other; and if, betwixt the date of the present treaty, and the beginning of the new truce, either king should receive to his obedience any of the other's subjects *, he should signify to his neigh-

Aberc. vol. ii. p. 390. From Sc. Register.

Rym. Ib. p. 510.

Nicholson's LL. March. p. 26.

Ib. p. 43.

Ib. p. 364.

* Edward, about this time, (December 8,) granted to the earl of Douglas, as a reward for paſt and future ſervices, the keeping of the caſtle of Craigfergus in Ireland. Rymer, vol. xi. p. 510.

† As was allowed by the truce concluded in December.

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Edward IV. K. of England. 1464.

bour prince their names, before the 10th of November next ensuing. In the general articles of this treaty, there is no considerable variation from those concluded since the year 1449 inclusive. The article, appointing two letters of safe-conduct to be lodged on the marches, by virtue whereof subjects of either kingdom had liberty to enter the other, in order to prosecute redress of their wrongs, is here omitted: But to the article wherein it is agreed, that counsellors of each king should be sent to the borders, on a defect of justice from the wardens or other officers, it is subjoined, that it should be lawful for any person who had, in violation of the truce, been spoiled, plundered, or injured, to pursue for redress before any competent judges *, in any of the kingdoms wherever they thought proper, and that full justice should be done them. How the plaintiffs were to be furnished with safe-conducts, in order to their passing from the one kingdom to the other is not here said; but there are two new regulations in this treaty, with regard to safe-conducts in general. The first appoints a proviso to be inserted in all future safe-conducts †; That the person asking or obtaining it, be not a rebel or traitor against his prince; the other, that in any one safe-conduct to be thereafter granted by either of the kings no more than three be included ‡. The articles relating to sea-affairs in the treaty of 1449, and those subsequent to it are all preserved in this; only the three first of these articles are expressed more concisely. They are also preceded by a short article, the substance whereof seems scarce to differ from what is contained in the article which stands last but one, in the treaties abovementioned as well as in the present. It bears, that if mariners, on the one or other side, should, by hard weather, or other unavoidable cause, suffer shipwreck; provided any human creature remained alive, the goods and ship § should not be taken from the proprietors, but should be reserved for those who were before the masters and proprietors. Another article of a general nature is added in this treaty, with respect to the confederates of the contracting powers; wherein it is agreed, that those should not be understood to be comprehended in the present truce, on the one or the other side, who had concluded a truce with either prince, without comprehending in it the other ||.

See above p. 409.

Nicholson's L.L. March, p. 89.

Ib. p. 29.

See above in p. 410, 411. Above p. 403, 411.

This

* *Spolium ſuum rapinam ſeu injuriam proſequi coram quibuſcunque judicibus in aliquo prædictorum regnorum in ea parte competentibus.*

Who theſe competent judges are, is not declared here, as in the treaties of 1451, and thoſe that follow it, until the preſent. This addition is alſo in the treaty of 1484.

† This proviſo is alſo appointed by the truce of Sept. 21, 1484.

‡ Agreeably to theſe regulations, a ſafe conduct was granted on the 9th of November enſuing for a year, to William Douglas warden of the eaſt and middle marches of Scotland, Mr Hugh Dowe, and Sir Alexander Napier, with forty in company; the proviſo being added, that none of the three, or any of their company, were traitors or rebels againſt the king of England. The William Douglas here mentioned, is probably the ſame with William Douglas of Douglas-cleue, who is one in the liſt of conſervators of the truce on the ſide of Scotland.

§ The *ſhip* itſelf ſeems to be here more diſtinctly expreſſed, than in the other article relating to ſhipwrecks.

|| There is an article in the end of this treaty which declares, that the truce ſhould not be altogether general; particularly, that it ſhould not extend to the dominion of Lorn in Scotland, or of

James III. K. of Scotland.

A. D. 1465. Rym. vol. xi. p. 535, 537, 541, 546, 547, 549.

This truce was followed by a friendly intercourse between Edward and the Scottish regency; in the course whereof, proposals were made, and endeavours used, to establish a firmer union between the nations, by converting the truce into a peace and confederacy, and by agreeing a marriage between the young king of Scotland and some lady of the English court. These overtures issued in a prolongation of the truce, to a far more distant term than had hitherto been thought of, in the long series of treaty of this kind between the nations, since the beginning of the reign of Edward III. a term, indeed, much longer than there was any probability of the most absolute treaty of peace being observed. This prorogation of the truce of 1464, was, in the end of the following year, concluded at Newcastle, in a congress held there between plenipotentiaries from both kingdoms. These commissioners confirmed the truce in all its articles; and in consideration of the many experienced advantages that had already redounded from it to both nations, and of the prospect of the increase of such advantages from its longer continuance, extended it forty years beyond the term before fixed for its expiration, that is, to the last of October 1519. The remembrance of the great possessions so long held by the English in France was yet recent; which directed their views of conquest wholly on that side; and to the successful prosecution of these views, there was nothing more necessary than to cultivate peace with Scotland. As to the conduct of the Scots in this matter, so contrary to the inhuman policy they had so long followed, it is probable, that much of the honour of it is due to the wisdom and pacific temper of bishop Kennedy, who maintained his authority in public affairs until his death; which happened in the beginning of the summer of the following year.

Ib. p. 5, 7. Dec. 12.

May 10.

of Lundy in England, but that the dominion and Iſlands aforeſaid, ſhould be underſtood to be no ways comprehended in it. The ſame in truce of 1484.

The perſons employed in negociating this treaty were, on the part of Scotland, Andrew biſhop of Glaſgow, Colin earl of Argyle and lord Campbell, Archibald abbot of Holyrood-houſe of Edinburgh, Mr James Lindſay, provoſt of the collegiate church of Lincluden, and Sir Alexander Boyd of Drumcoll (brother of lord Boyd): on the part of England, George biſhop of Exeter, chancellor of England, (brother to the earl of Warwick, and afterwards archbiſhop of York,) Richard earl of Warwick and Sarum, great chamberlain of England, and warden of the weſt marches towards Scotland, Ralph lord Grayſtock, Sir William Haſtings chamberlain to the king, Mr Thomas Kent doctor of laws, Sir James Strangeways, and Sir Robert conſtable.

The havock of the civil wars in England produced a great difference in the liſt of conſervators on that ſide, from what it was five years ago. The conſervators of the preſent truce were, Richard earl of Warwick and Sarum, John earl of Northumberland, Henry earl of Eſſex, Ralph lord Grayſtock, Henry lord Fitzheugh, John lord Scrope of Bolton, William lord Haſtings, Thomas lord Lumley, Robert lord of Lomley, (ſo the copy in Nicholſon,) Robert lord Ogle, Henry Neville, James Strangeways, Robert Conſtable, John Coniers, William Brice, Robert Caxton, John Huddleſton, William Parr, Chriſtopher Conyers, Roger Thornton, knights; Geoffrey Middleton, eſq. The Scotch liſt, which varies alſo conſiderably from the laſt, is as follows, John earl of Athol, David earl of Crawford, Alexander earl of Huntly, Colin earl of Argyle, Robert lord Maxwell, William de Douglas-cleue, Gilbert lord Kennedy, James lord Livingſton, James lord Hamilton, Thomas lord Erſkine, Alexander lord Montgomery, John lord Lindeſay, Patrick lord Hailes, William lord Borthwick, Alexander Boyd of Drumcoll, Alexander Home of that ilk, Walter Scott of Kirkwood, knights; Simon Glendonen of Perton, Thomas Cranſton of that ilk, eſqrs. (it is knights in Nicholſon's copy, but probably it is an error, for if knights, why ſeparate them from the three former).

The

Edward IV. K. of England. 1465.

The imprudent marriage with Elizabeth Wideville, which king Edward had been hurried into by the violence of youthful passion, proved the source of great calamities to himself and his people. Her father, brother, and the rest of her relations and favourites, were, by her unbounded influence over her husband, raised from obscurity to splendid titles, opulent possessions, and the highest offices in the state. The earl of Warwick, with his brothers John earl of Northumberland and George archbishop of York, to whose great power and faithful services Edward owed his crown, were offended by his marriage, and much more with the exorbitant favours bestowed on the queen's relations. These latter again, did not bear their sudden prosperity with moderation; and soon began openly to seek the depression of the Nevilles, whose popularity and power rendered them very formidable, even to those whom the king was most disposed to support. Warwick had the address to attach to his interests, George duke of Clarence, the king's second brother; who was no less provoked than the earl, at the queen and her relations engrossing all favour and interest at court. Clarence having gone over to Calais, of which Warwick was governor, was married there to Warwick's eldest daughter, notwithstanding the utmost endeavours of the king to hinder the match. This marriage was soon followed by an insurrection of the people of Yorkshire, on the pretence of freeing themselves from certain oppressions. The head of the insurrection, in its beginning, was Robert Hillyard, commonly called Robin of Riddesdale, who, being seized in a sally he made from York, by John Neville earl of Northumberland, was immediately executed. The city of York was saved by this success; but the insurgents still keeping together, and marching southwards, under the command of Sir Henry Neville, son of lord Latimer, and Sir John Conyers, defeated near Banbury, an army sent against them by the king, under the command of the earl of Pembroke. This victory proved fatal to Richard earl of Rivers, the queen's father, who, together with his son John, being seized by a party of the victorious army, was executed at Northampton. Warwick and Clarence came over from Calais, offering their service to the king to quash this insurrection; which was soon effected, by granting a general pardon to the rebels.

May 1463 or 1464.

A. D. 1469. July 11.

July 26.

The Nevilles had great power and influence all over the kingdom, but they were particularly formidable in the north. As Salisbury had succeeded his father Westworeland, so the former was succeeded by his son Warwick, in the wardenship of the west marches; and his brother John was raised on the ruins of the Percy family, to the same dignity and power on the marches on the other side. John was at the same time president of Yorkshire, and the other brother George being archbishop of York, the three together were in effect masters of the most warlike part of the kingdom. Soon after the Yorkshire insurrection was quashed, the king began to pave the way for reducing their power in the north, by receiving the fealty of Henry Percy, son and heir of Henry earl of Northumberland, who fell fighting on the side of Henry VI. at the battle of Towton. His swearing fealty was immediately succeeded by his liberation from his imprisonment in the Tower, which had continued from the time of that battle. Soon after, the king was petitioned by the gentry and

Rym. vol. xi. p. 648.

Oct. 27.

James III. K. of Scotland.

and commons of Northumberland, to restore Percy to the estate and honours of his ancestors; and this was done in the spring of the following year, on the resignation of John Neville, who was promoted to the higher title of Marquis of Montague. Percy, along with the title and inheritance of his ancestors, received the wardenship of the east and middle marches*. Montague would never have acquiesced in losing such solid advantages for an empty title of superior honour, had not the king employed other methods to gratify his ambition, and to attach him to himself, in opposition to his brother Warwick. He had not long before, declared his resolution to marry his eldest daughter, at that time apparent heir of the crown, to George the Marquis of Montague's only son, (and the heir male of all the three brothers;) whom he also advanced to the dignity of the duke of Bedford.

1469. Rot Scot. 10. Ed. iv. N. 3. ap. Carte, vol. ii. p. 780.

This high honour conferred by the king on their family, seemed for a little time to reconcile to him all the Nevilles; but the pride and ambition of Warwick, irritated by the continual rivalship of the queen's relations and favourites, soon gave birth to new hostilities. In the course of these, the king having, with his usual spirit and expedition, encountered and subdued a body of rebels in Lincolnshire; Clarence and Warwick, who had not been able to give them a timely support, found themselves obliged to abandon the kingdom, and after being refused admittance into Calais, to seek refuge at the court of France. There the necessity of Warwick's affairs forced him into a very unnatural alliance with his old implacable enemy Margaret of Anjou, which was concluded by the intervention of the French king. It was agreed, that her son Edward should marry Ann, Warwick's younger daughter; that Henry should be restored to the crown, and hold it for his life; that his son should succeed to it, and in default of male-issue, from him it should descend to Clarence and his issue. These things being settled, Warwick and his son-in-law sailed over to England in September, and landed at Dartmouth. In three days, they saw an army around them of sixty thousand men, with which they advanced with the utmost expedition towards the king, who was at that time in Yorkshire†. Edward accompanied with a much inferior force, was endeavouring to regain his capital, when he learned that Warwick was very near him at the head of a mighty army, and that his brother the marquis of Montague was about to fall upon him, on the rear, with a chosen body of six thousand men, which the king had considered as a powerful reinforcement ready to join him. Montague had declared to his men his intention of supporting his Brother against the king, and gave for a reason of his conduct the king's depriving him of his power and possessions in Northumberland, for which he had received no other compensation than an empty title. These circumstances made the situation of the king appear to himself and his friends so desperate, that accompanied with a small body of light horse, he abandoned his army, fled in the night to Lynn, and there hastily embarking, sailed over to Flanders, to seek

A. D. 1470.

* Firſt time that the *middle marches* are mentioned on the ſide of England.

† He had marched northwards to ſuppreſs an inſurrection raiſed by the lord Fitzheugh, who was huſband to one of Warwick's ſiſters, and is ſaid on the king's approach to have fled into Scotland. Carte, vol. ii. p. 784.

Edward IV. K. of England.

A D. 1471.

shelter and aid from Charles duke of Burgundy, who a few years before had married his sister Margaret. This desertion of Edward, which happened eleven days after Warwick's landing threw the whole nation into the power of the latter. Immediately Henry was restored, and every thing was settled agreeably to the treaty concluded in France. But this sudden and amazing flow of prosperity had soon a fatal reverse. For Edward passing over from Holland and landing in the mouth of the Humber in the month of March*, though opposed at first, and obliged to swear fidelity to Henry, before he could be admitted into York; found afterwards so powerful a support, chiefly from the connivance and secret aid of his brother Clarence, and of the marquis of Montague, and archbishop of York, all of whom he had seduced from Warwick; that he soon regained possession of his capital, and obliged the poor pageant Henry to exchange his throne for a prison. This success was

April 14.

quickly followed by the battle of Barnet, where Edward conquered and Warwick fell; having the night before been deserted by Clarence, and a numerous band that followed him, and in the battle itself betrayed, or feebly assisted by his brother Montague, who is said to have been slain by some of Warwick's faithful friends, incensed by observing him, when the day was lost, putting on the livery of Edward to save his life. Still another battle remained, to decide the inveterate strife between the rival houses. Margaret of Anjou, after many efforts to pass over from France into England, in the course of the preceding winter, at last made good her landing at Weymouth, on the evening of the day of Barnet-field. And twenty days after that battle Edward coming up with her near Tewksbury, on the banks of the Severn, defeated her army,

May 4.

and took herself and her son Edward prisoners. The innocent youth, immediately after the battle, fell a victim to the jealousy of the king and the cruelty of his brother Gloucester; who is also commonly related to have murdered Henry VI. with his own hand, on the day that Edward returning from Tewksbury, made his triumphant entrance into London. The captive queen was committed prisoner to the Tower and continued there, until her liberty was procured almost five years after, by the treaty of Amiens.

During the course of these civil broils in England, the Scots continued to observe the truce, or at least did not avail themselves of the distresses of their neighbours to give them any annoyance, that the historians of either nation have thought worth recording. After the death of bishop Kennedy, the king of Scotland, though not yet fourteen years old, had the reins of government put into his hands by the lord Boyd and his brother Sir Alexander, who, thereupon became sole and absolute favourites, and governed every thing in the king's name. But their immoderate use of such sudden and high elevation, was quickly followed by its usual fate. They had procured a marriage between Mary eldest sister to the king, and Thomas lord Boyd's eldest son who was created earl of Arran; but while Arran was absent, negociating the king's

* He ſhewed letters from the earl of Northumberland, inviting him to come over, but they were not regarded. The wardenſhip of the eaſt marches had been taken from Northumberland, and reſtored to the marquis of Montague.

marriage

marriage with Margaret of Norway, which was celebrated in July 1469, he himself, his father, and uncle, were supplanted by a new set of favourites. Arran sought his safety, in a voluntary exile on the continent, wherein his wife was for some time his companion; and his father and uncle being condemned in parliament for treason, Sir Alexander was beheaded, and lord Boyd, flying into England, soon after died at Alnwick, oppressed with grief and age. The celebration of the king's marriage, and prosecution of the Boyds, occupied the court of Scotland, during the first commotions in England in 1469. In the end of the following summer, a little before Warwick's descent from France, the office of warden and commissary-general of the west marches was given to Richard duke of Gloucester; and in less than two months after, when Henry had remounted the throne, John Neville, marquis of Montague, was restored to his wardenship on the east marches, and in the king's dominion of Scotland. From an article in the commission, given to each of these wardens, it sufficiently appears, that the English were, at least, apprehensive of hostilities on the side of Scotland; for both Gloucester and Montague had full powers given to themselves, or their deputies, of concluding with the king of Scotland or deputies from him, short truces, from week to week, from two or three weeks to two or three weeks, from a month or months to a month or months, according to their best discretion.

James III. K. of Scotland, 1471.

Rym. vol. xi. p. 685. August 26. Ib. p. 665. Oct. 22.

Soon after the civil wars in England were concluded, and Edward firmly seated again on his throne, a friendly correspondence was renewed with the court of Scotland. In the month of September a meeting of commissioners from both nations was held at Alnwick, for mutual redress of wrongs committed on the borders, and also for treating of truce, peace, and confederacy between the kingdoms; and particular powers were given to three of these commissioners, who perhaps went forward, as ambassadors to the court of Scotland, to consent in their master's name, to any such matrimonial contracts as might be esteemed conducive to cement the good agreement between the kingdoms. In the April of the following year, another great congress of plenipotentiaries was held at Newcastle, who agreed, that, notwithstanding the complaints and infractions on both sides, the long truce between the nations should still continue in force*; and proclamations were soon after issued, requiring the strict observation of it; particularly until the month of July in the following year, at which time the commissioners had appointed a new congress to be held. But in this interval, Charles duke of Burgundy, in order to facilitate the project of an alliance, which he was then negociating with Edward against their common adversary the French king, assumed an office, that ill became the most turbulent prince of his time, of a peace-maker between the two monarchs of Great Britain. In the spring of the following year, the king of Scotland, at the earnest desire of the duke, intimated by two ambassadors †, gave a written assurance, under his great seal, to be communicated to the king of

Sept. 23. Rym. vol. xi. p. 718, 719.

A. D. 1472. Ib. p. 737, 740, 748, 749, 758.

May 25.

A. D. 1473. March 25. Ib. p. 772, 773.

* It appears from the indenture made at Alnwick, on the 28th of September, in the following year, that the agreement made between the commissioners at this meeting, was concluded and sealed on the first of May. Rym. ib. p. 788.

† Folpard de Amerongen, and George Baert.

12. Edward IV. K. of England. 1473. England; that, notwithstanding of the many excesses daily committed by the subjects of both nations, which had a plain tendency to break the truce that then subsisted; the king of Scotland would not, on his part, on the account of such past or future wrongs, invalidate, or revoke the aforesaid truce between the kingdoms, for the space of two years, to be reckoned from the 10th of April, in the present. In this deed it was declared, that the present engagement was without prejudice of the truce concluded in 1464 at York, and prorogued in the following year at Newcastle; and that the king of Scotland gave this assurance, on condition that he should receive the like from the king of England. In order to obtain this, the same ambassadors passed to the court of England; and on delivering the letters of the Scottish king, to the effect above recited, obtained others from Edward of the same tenour.

April 10.

In these mutual assurances, each king had engaged to give the most precise orders, and to employ the most effectual methods, for the redress of past and future wrongs committed on each side. To make good this article, a meeting of commissioners was appointed at Alnwick on the 20th of September, who, on the 28th of that month, put their seals to an indenture, which settled several points of importance to the peace of the borders. They confirmed all the appointments of the congress, held at Newcastle, in April and May of the preceding year; and fixed days and places for meetings of the lieutenants of the wardens *, in order to the execution of these appointments, and the redress of wrongs committed since that time. It was agreed, that the lieutenants and deputies, to be employed in holding these diets, should be persons of power and good reputation; such as the wardens should answer for to their several princes at their peril. All who attended these, or the like diets, were appointed to resort to them in a peaceable manner, without their military harness, or any fencible weapon, except a sword and knife, under the penalty of escheating such weapons, and being delivered prisoners to the other side, to be punished for the offence. The numbers at these diets were also limited; the wardens might be accompanied with a thousand persons, the lieutenants with five hundred, the deputies with two hundred, or a smaller number; and the penalty of exceeding these numbers, was an English noble to be paid to the other party by the warden, lieutenant, or deputies, for each supernumerary found in his company. Immediate restitution was ordered of all prisoners and ships unlawfully taken on both sides, and of the obligations, sureties, and ransoms, that had been delivered for prisoners: and the admiral, wardens, or their lieutenants on each side, where such restitution was refused, were ordered and impowered to oblige the offenders to make it in eight days, after application made to officers for that purpose; or, in case of farther delay, to deliver themselves

Ib. p. 788, 789, 790.

* The first of these meetings was appointed to be held at Newbigging-Ford, on the 20th of October, with continuation of days; the next, eight days thereafter, at Reden-burn; the next eight after, at Gammilspath; another, four days after, at Bell; another, fifteen days after, at Louchmabanstane; and another, eight days after, at Korsopbrig.

All indented bills of complaints, given in at the present meeting, and since March 9, 1472, were ordered to be immediately delivered to the wardens or their lieutenants, who were to cause the parties complained of to be arrested, in order to their appearing at the meetings now appointed to be held on the borders; where the plaintiffs should have justice administered to them without delay.

selves into the hands of the plaintiff, until satisfaction and redress should be given. The article in the late treaties of truce, concerning the delivering up of malefactors, was rendered, in the present agreement, somewhat more explicit, with regard to those that had been guilty of murder. Where a person of either nation had committed this crime, within the ground of the other, he was to be seized by the wardens, lieutenants, or deputies, and delivered to the plaintiff, to be brought to justice, or ransomed, at his pleasure. This delivery was to be made in fifteen days after the plaintiff required it, unless the delinquents were fugitive; in which case they were to be publicly denounced rebels, and to continue under that sentence until satisfaction should be made to the injured party. It was farther appointed, that persons, of whatever rank, lawfully convicted of resetting such rebels and fugitives, should be delivered up to the plaintiff, to undergo at his pleasure, the like penalties that should have been inflicted on the original offenders if thus put into his hands. In order to hear and determine, in complaints of wrongs committed at sea, which properly fall under the cognizance of the admirals, their lieutenants, and deputies; it was ordained, that the admiral of each kingdom should send to the borders a person of sufficient knowledge, authority, and good disposition; the delegate from the English admiral to be at Norham, and the delegate from the Scottish to be at Berwick, on the 8th of January ensuing. These delegates were appointed to fix a proper place of meeting, for proceeding to the trial of all causes brought before them: and in order to prepare for these trials, the complaints already given in, were appointed to be transmitted to the admirals of each kingdom *, that these admirals might warn and summon the parties complained of to attend the above-said meeting; which if by obstinate, or voluntary neglect, they failed of doing, they should lose their cause. A particular affair of great difficulty and importance, which had been under the consideration of the commissioners, who met at Newcastle in the preceding year, made the subject of one of the articles of the present convention. Kennedy, bishop of St. Andrews, among other monuments of his magnificence, had built a ship of uncommon size and strength, to which he gave the name of the *Salvator* †. This being employed by certain Scottish merchants, and freighted with valuable goods, had been wrecked on the English coast, near Bamburgh; the goods were plundered, and some of the merchants and mariners, who escaped in a boat, were violently seized and committed to prison ‡. A decision had been given in this matter at Newcastle, which, without being particularly recited, was, by the present meeting, declared to remain in force. But the Scottish commissioners alleged that there having been a sufficient number of merchants and mariners belonging to the ship, to have recovered

James III. K. of Scotland. 1473.

See above, p. 402.

Abercromby, vol. ii. p. 393, Holingshed. p. 281.

* The duke of Glouceſter was at that time admiral of England, and the duke of Albany of Scotland.

† The Scots commonly called it the Biſhop's Barge.

‡ According to Holingſhed, this wreck happened on the 12th of March 1473; but from the ſeries of border tranſactions in Rymer, it could not be later than 1472. The abbot of St Colme was one of thoſe that were taken priſoners, and was obliged to pay to James Kar, who took him, 80*l.* for his ranſom. Holingſhed, p. 281.

and

Edward IV. K. of England. 1473.

and preserved their goods, had they not been forcibly seized and imprisoned by the English; and these latter having, at the same time, in breach of the truce, unlawfully seized and carried off the said goods; it was just that those who had given impediment to the Scots, in recovering and preserving their goods, and were also active in plundering them, should make restitution and reparation of the whole damages; and that this was agreeable to common-law, and the terms of the truce. But the English commissioners were of a different opinion; maintaining, that any of the persons, who had seized goods belonging to the said ship, was not obliged, either by custom of the marches, terms of the truce, or reason of the common-law, to make restitution of any more than they could by sufficient evidence be convicted of having seized and with-held. In this variation of sentiment, the commissioners thought it best to report the matter to their sovereigns, and refer the settlement of it to their discretion; declaring it as their unanimous judgment, that, all other things in debate being provided for, it would be hard that the welfare and peace of the realms should suffer, or the borders be *left open* on this account alone; and therefore engaging to recommend earnestly to their several sovereigns such moderate and equitable methods of terminating the difference, as might tend to preserve the tranquillity of both kingdoms *.

A. D. 1474.

Rym. vol. xii. p. 814, 815. Oct. 26.

The same pacific temper still continuing in each monarch, produced a new negociation in the following summer. Edward, by this time, had perfected an alliance with the duke of Burgundy against the French king; wherein the contracting parties fixed the manner of sharing spoils, which they never became masters of. A treaty of marriage, equally ineffectual in the event, was concluded between the two courts of England and Scotland; and the long truce, on the very same terms that had been agreed at York ten years before, and extending to the same period that was afterwards fixed at Newcastle, was solemnly confirmed. An article was only added, obliging to mutual assistance, during the truce against rebels; on the demand, and at the expence, of the prince against whom the insurrection was made. The redress of wrongs committed on the goods and crew of the ship Salvator remained an obstacle in the way of completing these treaties; and, in order to remove it, on the day before they were signed, the king of Scotland gave a discharge of all claims for himself or subjects, against the king or subjects of England, on the account of the spoil of goods belonging to that ship, or for reparation of injuries done to the persons of his subjects, who had sailed on board of it †. By the treaty of marriage,

Ib. p. 820.

* The commissioners at this meeting were, on the part of England, John bishop of Coventry and Lichfield, Henry earl of Northumberland, Ralph Grayftock of Grayftock, Humphrey Dacre of Dacre, knights: Richard prior of Durham, Mr John Fox, L. L. D. and inland king of arms. The Scotch commissioners were, Thomas bishop of Aberdeen, David earl of Crawford, and lord Lindsay, Robert abbot of Jedworth, James lord Hamilton, Mr Alexander Inglis doctor of decrees, and Duncan of Dundas, Esq.

† To this is annexed the following salvo, or reservation: "Dicto regi consanguineo nostro, "libera potestate puniendi suos subditos culpabiles in præmissis, deque et super ipsis recuperandi "bona quæ de spolio prædicto ad eorum manus devenerunt, nostrisque subditis petendi et exigendi "wraccum afferum sive tabularum ejusdem navis, cum cimbis et apparatis eidemque apperti-"nenti-

marriage, James prince of Scotland, and Cecilia, the third daughter of Edward; the former not two, the latter not four years old, were solemnly contracted; and the two kings engaged to fulfil this contract, by giving them in marriage to each other, when they should arrive to the years of maturity. The king of Scotland obliged himself to settle, during his own life, on the prince and princess, in dowry and joint feoffment, the lands and revenues of old belonging to the prince and heir of Scotland. And, if the prince should succeed to the throne, while his mother yet lived, the provision for Cecilia was to be the third part of his lands and rents *; which, if she pleased, she might exchange on the event of the present queen's death, with the jointure that the latter had enjoyed. On the other hand, the king of England obliged himself to give, as the dower of his daughter, 20,000 merks to the king of Scotland. And to make this answer more effectually the purpose of preserving peace on the side of Scotland, it was agreed, that the payments should be made annually at the rate of 2000 merks for the first three years, and of 1000 merks for fourteen years after. The first of these payments was to be made on the third of February next ensuing, in the church of St. Giles at Edinburgh; and the rest were to be made on the same day of the year, and in the same place, until the whole should be completed. A method was also agreed upon for the safe conveyance of the money. In order to this, the king of Scotland was to send a sufficient number of his subjects to Berwick, a few days before the annual term of payment; who, on advertisement received from Norham of the arrival at that place of the servants of the king of England with the money, should meet with these on the Scottish bank of the Tweed, over against it; and escort them thence to Edinburgh. The guard, thus furnished by the king of Scotland, were to produce a commission or warrant, under the hand and seal of their sovereign, authorising them to perform this service; and this was to be left in the keeping of the lieutenant of Norham castle. The carriers also of the money from England, were to be furnished with a safe-conduct from the Scottish king, extending to forty persons, and protecting them in Scotland for forty days; which was to be delivered at Norham, before they crossed the Tweed, and to remain in the keeping of the constable of that castle †.

James III. K. of Scotland. 1474. Ib. 824—832.

Ib. p. 836.

Tom. xii. p. 41.

Peace being thus secured on the side of Scotland, Edward passed over into France, with the mightiest army that had ever been carried thither by an English monarch. But the address of Louis the French king; and the

A. D. 1475.

" nentibus ad quorum manus devenerunt, redemptionibusque & financies per Anglicos tunc ex-" tortis, in omnibus semper salvis." There is something ambiguous in these expressions. Perhaps it should be read " Redemptionesque & financias extortas." Five hundred merks had been promised by the king of England, without any written obligation, to content the demands of the Scottish merchants, which were paid at the same time with the first payment of Cecilia's dower, as appears from an acquittance of the bishop of Aberdeen. Rym. p. 850.

* These were the dukedom of Rothesay, the earldom of Carrick, and the lordships of the stewart-lands of Scotland.

† This safe-conduct in the deed at Westminster, 3d December, fixing the above method of payment, is called a safe-conduct *dormant-general*. The safe-conduct itself bears date at Edinburgh, 16th Jan. 1474 (that is, according to the Scottish account), and is drawn up in such terms, as to serve the purpose, at all the different payments. Ibid. p. 482.

Quixotism

Edward IV. K. of England. 1475.

Quixotism of the duke of Burgundy, Edward's ally, soon put an end to this expedition; and frustrated the great expectations the English had conceived from it. A sum advanced to defray present expences, with an annual pension to the king, and secret rewards to his courtiers, were the means employed by the artful Louis to procure a seven years truce; which, two years after, was prolonged, during the joint lives of the kings; and, in the year following, was extended to one hundred years after the death of Edward. Mean while the payments of Cecilia's dower were regularly made at Edinburgh; and an undisturbed harmony seems, for some years, to have subsisted between the kings of England and Scotland. But the courts of both, during that time, were disturbed with domestic dissentions. George duke of Clarence, second brother to Edward, unable to suppress the expressions of resentment against the ambition of the queen, her relations and favourites, fell himself, in consequence of the unlimited ascendant they had over the king, a victim to their revenge. Alexander duke of Albany, and John earl of Mar, brothers to James king of Scotland, equally impatient with Clarence of the rule of favourites, who are said to have been a set of low despicable men, entered into combinations with some of the nobles to remove or destroy them. The earl of Mar, being accused of practising by sorcery against the king's life, was imprisoned in the castle of Craigmillar, and secretly dispatched. The duke of Albany, being committed to the castle of Edinburgh, made his escape thence, with great hazard to his own castle of Dunbar; which being soon after besieged by the king's forces, Albany was obliged to abandon it, and fly for refuge to France; and the garrison he left behind, being reduced to extremity betook themselves to sea in some small vessels, and sought refuge in England.

A. D. 1477.

A. D. 1478. Feb. 18.

Holingshed. A. D. 1480.

These domestic feuds in Scotland, were naturally followed by disorders on the marches; and some of the discontented Scottish nobles entered, as usual, into a secret correspondence with the court of England. The exiled earl of Douglas was still there, watching every opportunity of embroiling the two kingdoms; and it is related by some English writers, that the duke of Albany visited the court of England in his way to France; and gave such representations of the weak and odious government of his brother, as tended to reanimate the ancient English ambition of subjecting Scotland. About the same time, the French king, who was employed in reducing certain provinces that belonged to the house of Burgundy, apprehending disturbance in this work from Edward, whom he had long amused, sent over Dr. Ireland, of the Sorbonne, to engage the Scottish king to break the truce with England. This French interest prevailed, in opposition to some of the wisest of James' council *; and a resolution was taken of invading England suddenly, without any formal declaration of war. At least in the commission of lieutenant-general, given by Edward to his brother Richard duke of Gloucester, the king of Scotland is charged with this design; whereof early intelligence was probably sent to the English monarch from his secret friends in the Scottish court. But still the

Habington in Kennet; p. 476. Stowe, p. 432.

Buchanan. Holingshed.

Rym. vol. xii. p. 115.

* Thomas Spence, bishop of Aberdeen, who had ever been a friend to peace between the kingdoms, is said to have died of grief from the prospect of the approaching war. He died at Edinburgh, April 15. Holingshed, p. 283. Keith's Catal.

Scots

James III. K. of Scotland.

Scots appeared to have been more forward in their military preparations than the English, from an expedient that seems to have been employed by the latter, in order to gain time. For when James was advancing towards the borders, at the head of a numerous army, he was met by a messenger from a legate of the papal see, then residing in England, who enjoined him, by apostolic authority, to lay down his arms; that he, and other Christian princes, cultivating peace among themselves, might oppose their joint forces to the Turks, who were then become formidable to all Christendom. The king, in obedience to this injunction, dismissed his army; a great part of which was, probably, far from being hearty in the cause. But hostilities on both sides soon recommenced; and a commission was given about Midsummer to the duke of Gloucester, in conjunction with the chief men of the northern counties of England, to array and arm the fencible men of these counties in order to oppose a second incursion, which the Scots were then preparing to make. The summer was spent in mutual depredations and actions of little consequence; but about the beginning of winter, the English laid siege to Berwick by land and sea. Part of the walls, being lately rebuilt, gave them hopes of beating them down without difficulty; but although considerable breaches were made, the garrison defended the place so resolutely, that the aggressors, after having spent a great part of the winter in carrying on the siege, were at last obliged to raise it.

1480. Holingshed. Abercromby. p. 434.

Rym. vol. xii. p. 117.

Holingshed, Abercromby vol. ii. p. 434.

A. D. 1481.

The king of Scotland being still determined to carry on the war, had recourse to a parliament which met at Edinburgh on April, for their advice and aid. Having convinced them that Edward, whom he and they call an usurper, was the violator of the truce; he procured the enacting of such orders as appeared most necessary for the defence of the kingdom. All fencible men within it, were appointed to be in readiness to attend the king with arms and provisions, if required, for twenty days. The fortresses of the kingdom, and houses of strength possessed by gentlemen were ordered to be provided with arms and artillery. They declared their approbation of the resolution the king had shewn to preserve Berwick; and of what he had done for the security both of the town and castle. They mentioned particularly the great expence he had been at in strengthening and rebuilding the walls of the town; in repairing the castle, and furnishing it with artillery; and in establishing a garrison of five hundred men for the defence of the place, to be maintained at the king's own charges. In consideration of what their sovereign had thus freely done for the defence of the kingdom, and annoyance of their enemies, the parliament obliged themselves to maintain an equal number of men as garrisons in the fortresses, and strong houses, near the borders. Of these one hundred were to be stationed in the Mers, sixty at Home, i. e. Hume, twenty at Blacader, and twenty at Wedderburn. They were to be commanded by James Borthwick, son to the lord Borthwick, who was appointed to reside at Home; and had power to chuse two captains under him; the one to command at Wedderburn, and the other at Blacader. The most numerous of these border garrisons was that of Hermitage in Liddesdale, consisting of one hundred men, and commanded by the laird of Lamington. The rest, consisting of sixty, forty, or twenty men each, were disposed in the

Black Acts, fol. 65, 66. apud. Aber. p. 435.

Edward IV. K. of England. 1481.

other places of strength, near the middle or west marches *. It was farther enacted, that, upon seeing the enemy approach, fires should be kindled on the sea-coasts †, at the distance of six miles from one another; and that officers should also be posted at the distance of every six miles, to raise and command the inhabitants, when occasion should require. This parliament also advised and ordained an embassy to the king of France and parliament of Paris, to solicit the assistance of their ancient ally against their common enemy of England. The ambassadors were to have in charge to declare to the French king, that this help had often before been solicited by letters, to which no return had been given. This allegation might be used as an argument to prove, that the Scots did not engage in this war against England, at the instigation of the French king; were not the shameless perfidy of Louis sufficiently known. The exiled earl of Douglas being considered as a principal agent in exciting the English to invade his native country, a price was set on his head, and upon those of his adherents ‡. But those who should abandon him, and return to their allegiance in twenty-four days, were assured of a free pardon of their past offences. The same was extended to the borderers, and to all other state-criminals throughout the nation; the earl of Douglas alone, and three of his accomplices, being excepted by name.

This vigour shewn by the Scotch parliament, which probably was wholly unexpected in England, seems to have had some effect in hindering the English king from attempting any thing considerable against Scotland, during the summer. A fleet, which he fitted out in the spring, and which alarmed and committed some depredations on the coast of the Frith, served to keep the Scots at home; though about Midsummer the apprehension of an invasion from Scotland was so great as to occasion an adjournment of all business before the king's justices, until after Michaelmas. Edward also, seeing a rupture with France unavoidable, was employed, during the summer, in concluding an alliance and marriage contract with the duke of Bretagne, and the king of Castile; and also in renewing his treaty with the king of Portugal.

Rym. vol. xii. p. 139.

Rym. ib. p. 141.

A. D. 1482.

Louis having, in the spring of the following year, irritated Edward to the highest pitch, by concluding a marriage between the Dauphin and Margaret the infant daughter of Maximilian and Mary of Burgundy, in plain violation of Edward's favourite article of the treaty of Amiens, by which his daughter Elizabeth was to have been espoused to the heir of France; the English monarch resolved to seek revenge, by entering into a war against his perfidious

* The laird of Edmonston had the command of sixty men in Cessford, twenty in Ormistoun, and twenty in Edgerstoun; the laird of Cranston commanded sixty men in Jedburgh, twenty in Cocklaw, and twenty in Dolphingston; the laird of Clossburn commanded in Lochmaben; the laird of Amisfield forty in Castlemilk, forty in Annand, and twenty in Belliestower. Some omission in Abercromby, probably there have been one hundred men in the castle of Berwick, and as many in Lochmaben.

† Abercromby says, from the Black Acts, That upon the sight of an enemy, fires should be kindled upon eminences near the sea coasts, within every six miles of length, and one of breadth. Aber. vol. ii. p. 437.

‡ Whoever should kill, or bring the person of the earl, was to receive 1000 merks, and an estate of 100 merks, yearly rent, as his reward. For killing, or taking any traitor of his party, if a gentleman, the reward was 20*l.* if a yeoman 10*l.*

neighbour

neighbour. But it was expedient, in the first place, to finish that in which he was actually engaged with Scotland. For this purpose he endeavoured to attach wholly to his interests the duke of Albany, who continued an exile in France; and whose ambition was not contented with what he had done for him by Louis, who among other favours, had given him in marriage a daughter of the earl of Bologne, with a large fortune. Albany, having come over to England in the spring, entered into a negociation with Edward, which issued in an agreement concluded at Foderingay-castle in June. In this agreement the duke of Albany assumed the title of Alexander king of Scotland, acknowledging that he held it by the gift of the king of England; and, besides, binding himself to pay homage to the king of England for his kingdom of Scotland, and to break the ancient league between Scotland and France, together with some other articles of smaller moment, he farther engaged to make a real and perpetual surrender of the town and castle of Berwick, with their dependencies; and that the same should be delivered to the king of England and his heirs, in fourteen days after the English army had conveyed him to Edinburgh, or as soon afterwards as the lords of the king of England's council, who were then present in his army, should judge practicable.

James III. K. of Scotland. 1482.

Rym. vol. xii. p. 154.

June 10, 11. Ib. p. 156.

Immediately after this agreement, the king nominated the duke of Gloucester his lieutenant-general against the Scots; and about the beginning of July, the English army, amounting to twenty-two thousand five hundred men, were marshalled at Alnwick. The van of it was led by Henry earl of Northumberland. The Duke of Albany accompanied the duke of Gloucester, at the head of the middle division. Several other lords and eminent persons assisted in the command of these and the other bodies of the army. All this formidable force appearing suddenly on the river-side, over against Berwick, the town made no resistance, and was immediately seized. But the lord Hales, who commanded in the castle, shewing a resolute purpose of defending it, four thousand men were left to besiege it, under the conduct of the lord Stanley, Sir John Elrington treasurer of the king's household, and Sir William Parr; while the rest of the army advanced towards Edinburgh.

Ib. p. 157. Stowe, p. 432.

By this time matters were in extreme confusion in Scotland. The king having collected the forces of the nation, in order to oppose the English, gave his discontented nobles the opportunity they wished for, of wrecking their revenge on those obscure favourites, who had totally engrossed their master's confidence. While the army lay encamped at Lauder, a band of the nobility, headed by Archibald earl of Angus, entered the king's tent, and having seized six of his domestics, who were the chief objects of their wrath, caused them immediately to be hanged over a bridge in the neighbourhood. A measure so rude and barbarous, having broken all confidence between the king and his army, a total dispersion of the latter ensued: and the king retiring to the castle of Edinburgh, either shut himself up in that fortress for security, or, as some authors relate, was detained a prisoner there by his uncle the duke of Athol, and others of the nobles. Such was the situation of the Scottish affairs when the dukes of Gloucester and Albany, arrived at Edinburgh, at the head of the English army; which, to inspire terror, had committed some devasta-

Holingshed, p. 283.

Edward IV. K. of England.

1482.

tions on their march; but, at the request of the duke of Albany, spared the capital. The person of the Scottish king being inaccessible, the demands of Edward that James should make good former engagements, and redress the violations of them that had been made by himself or subjects, were proclaimed in the most public place of the city. No answer was made to these demands by the distressed monarch; but soon after, the lord Evandale his chancellor, the earl of Argyle, the archbishop of St. Andrews, and bishop of Dunkeld, gave their joint obligation that the duke of Albany, on returning to his allegiance, should be indemnified for all past offences, and restored by his brother to his former dignities and possessions; and that they would procure the confirmation of all this in the next parliament that should be assembled. Albany, having consulted with Gloucester, thought proper to accept of these offers; and, accordingly leaving the English army, passed over to his countrymen; but, before he departed, is said to have bound himself, by his oath and a sealed writing, to make good what he had before sworn and promised to the English king. By the Scottish nobles he was instantly declared lieutenant of the kingdom; and, under his direction, a treaty was carried on with the duke of Gloucester. The latter insisted on the restitution of Berwick, as an article not to be dispensed with. But many of the Scottish lords opposed this; alleging the great importance of the place, and the ancient property the crown of Scotland had in it. The firmness however of the duke of Gloucester, added to the domestic distress of the Scots, and the influence of the person they now had at their head, prevailed. A truce was concluded, in which Berwick was given up to England; and the Scots are said to have engaged never by any art thereafter to attempt the reduction of it. The lord Hales, after a brave defence, surrendered the castle on the 24th of August *; but whether, in obedience to orders received from Scotland, or from his inability to hold out any longer, appears uncertain. And thus the town and castle of Berwick returned again under the dominion of the crown of England, after the Scots had held them from the time of the surrender made of the m by the unfortunate Henry VI. twenty-one years and some months. Although this expedition had cost England upwards of 100,000*l.* part of which the king had raised by the oppressive method of benevolences; and although the expence of maintaining a garrison at Berwick amounted to 10,000 merks a year, yet the recovery of that place was so acceptable to the nation, that the English parliament, which met in the following January, recommended the duke of Gloucester, the earl of Northumberland, and the lord Stanley, to the king for their services in the Scottish war †.

Buchanan.

Auguſt 2. Rym. ib. 160.

Stowe, p. 432.

Habington's Life of Edward IV. in Kennet, fol. 476.

Holingſhed, p. 283.

Above, p. 424.

Carte, vol. ii. p. 802. from Rot. parl.

Hiſt. of Scotland, p. 283.

* Holingſhed ſays, that the lord Hales applied to the duke of Albany and lords of the Scottiſh council for relief, and that the duke advanced with an army to Lammer-muir; but that the garriſon perceiving, through the diſſention of the king and nobles, there was no probability of their being reſcued, ſurrendered on the 24th of Auguſt. Buchanan places the concluſion of the truce, by virtue of which the caſtle of Berwick was to be ſurrendered, on the 26th of that month.

† Carte adds, that the duke of Glouceſter was immediately made warden of the eaſt marches; but from the convention with the duke of Albany, in Rymer, vol. xii. p. 173, it ſeems plain, that he ſhould have ſaid of the weſt marches.

It

It was an article of the secret treaty between Edward and the duke of Albany, that, if the latter could, by the authority of the church, free himself from his present marriage bond, he should marry Edward's daughter Cecilia, who had been contracted more than seven years before to the prince of Scotland. And while Albany and Gloucester were in Scotland with the English army, they obtained an obligation from the provost of Edinburgh and his fellow-citizens, to refund what Edward had paid of Cecilia's dower, in case it should not be his pleasure to have her marriage with their king's son completed; and Edward's resolution herein was to be intimated before the first of November next ensuing. Accordingly, the king of England's principal herald was sent to notify, in due time, at Edinburgh, that it was his master's pleasure, for *diverse causes and considerations him moving*, to refuse the accomplishment of the marriage formerly agreed. This hindered not the treating of a marriage between Margaret the king of Scotland's sister, and Anthony earl of Rivers, brother to the queen of England; whose ambitious schemes intermingled themselves with all her husband's affairs. This marriage appears to have been fully agreed on, about the time of concluding the truce, while the entire direction of Scottish affairs was in the hands of the duke of Albany; and some months after, when Albany had relieved his brother from his imprisonment in the castle of Edinburgh, and the most perfect friendship seemed to subsist betwixt them, ministers were appointed by both courts to settle all the conditions of the nuptial contract. James, also, about this time, shewed so much confidence in his neighbour-monarch, as to accept of a safe-conduct from him, in a pilgrimage he intended to the relicts of St John at Amiens *; on which occasion it was proposed, that, as James passed through England, the two kings should have an interview.

James III. K. of Scotland. 1482. Rym. ib. 161.

Oct. 27.

Rym. ib. p. 167.

Ib. p. 162.

Nov. 23. Ib. p. 170.

But these schemes were all blasted by the revival of jealousies between James and his brother Albany, for which, it is very evident that the conduct of the latter gave the king sufficient grounds. Albany pretending, that his life was in hazard at his brother's court, retired to the castle of Dunbar; and thence sent his ambassadors, as he called them, to the king of England, to treat and conclude with him, agreeably to what had been settled in the June preceding, at the castle of Foderingay. The ambassadors sent by Albany were, Archibald earl of Angus, Andrew lord Gray, and Sir James Liddale of Halkerston; and the commissioners appointed to treat with them, on the part of the king of England, were, Henry earl of Northumberland, John lord Scrope, and Sir William Parr. By these commissioners, it was agreed, that a truce between the subjects, friends, and adherents of Edward, and those of the duke of Albany, should be strictly observed for a year; that the names of those adhering to the duke should be sent in writing, under his seal, to the duke of Gloucester and earl of Northumberland, the wardens of the English marches, before the last day of March ensuing; and that the said writing should also contain the names of those who dwelt nigh the marches of England, and

A. D. 1483.

Jan. 12. Ib. p. 172.

Feb. 9.

Ib. p. 173, 174, 175.

* He had obtained safe-conducts for the same effect in 1475 and 1478. Rymer, vol. xii. Superstitition was a considerable ingredient of James' character.

refused

Edward IV. K. of England. 1483.

refused to be of the duke's party, that such measures might be taken with them as might be for the interest of both princes. The duke of Albany was bound to persist, during the truce, and afterwards, in his enterprise of acquiring the crown of Scotland; and to hearken to no offers of his brother, while reasonable assistance was afforded him by the king of England. Upon his succeeding, the old league with France was to be renounced, and the whole power of Scotland to be employed in assisting England to conquer the first mentioned kingdom. The ambassadors of Albany engaged, for the duke, for themselves, and all their friends, that no question should hereafter be made concerning the right of the king of England, to the town and castle of Berwick, nor title pretended thereto by the duke, his heirs, or any of his party. The duke of Gloucester and earl of Northumberland were to be sent to the marches, whereof they were wardens, in order to be ready to support the duke of Albany, as circumstances should require; and in particular, they were to furnish him with three thousand archers for six weeks, to be in the pay of the king of England. On requisition made by the king of England to the duke of Albany, James earl of Douglas was to be reinstated in the possession of his lands in Scotland, in such manner as had been agreed between him and the ambassadors, more particularly between him and the earl of Angus. Albany, on gaining the crown, was to take to wife one of the king of England's daughters, without a fortune. The Scotch ambassadors who negociated this treaty, judging that all means of reconciliation with their natural sovereign was now cut off, engaged for themselves and all they should be able to influence, that, in case of the decease of the duke of Albany and the heirs of his body, they should thenceforth be subjects to the king of England alone; and should defend their places of strength against James and his successors, and all the enemies of the king of England*.

April 9. Edward IV. K. of England.

But the death of Edward IV. which happened two months after this convention, disappointed all its views; Richard duke of Gloucester, who was then in the north, preparing, as is probable, to give support to the duke of Albany, immediately moved southwards, in order to get into his possession the person of the young king, and to seize the reins of government, under the title of *Protector of the kingdom.* Not content with this elevation, he soon after made his way to the throne itself, through the most horrid scenes of perfidy and blood. But, while Richard was employed either in acquiring or supporting his usurped power†, his friend the duke of Albany was abandoned

June 25.

Richard III. K. of England.

* To this treaty a schedule was annexed, containing a declaration of the Scottish ambassadors, that it was not their intention or that of the English commissioners, that, in consequence of the present agreement, any innovation should be made on the part of Scotland, by repairing Caw-mills or Blacader's tower, (perhaps these had been demolished by the English in their late invasion,) or building any fortress of lime and stone, or by Scotchmen settling near the borders in any other way than they did at present. But all things were to remain in their present situation; and no change made, unless by some particular subsequent negociation between the princes, to be carried on by advice and assent of the wardens on each side. Rym. vol. xii. p. 176.

† He brought up five thousand men from the north, poorly apparelled, (says Stowe,) and worse harnessed, to quash any disturbance that might arise at his coronation. They were commanded by Robert of Ridsdale, and mustered in Finsberry field. Stowe, p. 458.

to

James III. K. of Scotland. 1483.

to the just resentment of his brother. For James having discovered his correspondence with the court of England and the earl of Douglas, ordered him to be summoned to appear in judgment, to answer to this charge. Albany having no hopes of being able to support himself against his brother by open force, after being disappointed of the aid he expected from England, took refuge in the borders of that kingdom, leaving his castle in the possession of an English garrison well provided with all necessaries. Hereupon he was again forfeited, together with the lord Crighton, one of his accomplices; the king being probably too feeble to bring to justice the rest of the numerous party that were in his interests.

Rym. vol. xii. p. 213. A. D. 1484. Feb. 12.

The old earl of Douglas continued still to enjoy under Richard, the same protection that had been given him by his predecessors Henry VI. and Edward IV. In consideration of particular services, which had not before been suitably rewarded, Richard settled on him an additional pension of £200. a year, for the more decent maintenance of his dignity. But the usurper's great expence in supporting his ill-got power, and the continual alarms in which he lived from the plots of his numerous adversaries, who sought to overturn it, hindered his giving such aids to Albany and Douglas, as had been promised in the late treaty between Edward and the former. Hostilities, however, were continued on the borders *, and the duke and earl made at last a bold experiment, for discovering what they might expect from the favour of their countrymen. They advanced in this view, with a body of five hundred horse, to a fair held at Lochmaben on St Magdalen's Day; but the enterprise proved fatal. Their countrymen under the conduct of the lairds of Johnston and Cockpool treated their troop as a band of robbers; and after a tedious and bloody contest, gained the victory. Albany made his escape into the English borders, by the fleetness of his horse, while Douglas, slow by age and his load of armour, remained a captive. Alexander Kirkpatrick had the honour of seizing this offender, and of presenting him to the king, who rewarded so important a service with a grant of the lands of Kirkmichael. The life of the earl was spared, but he was cloistered in the abbey of Lindores, where he died about four years after; and leaving no progeny, in him became extinct the eldest branch of the line of Douglas, which had

Buchanan.

July 22.

* Richard, in letters of the 31st of March to the Pope, and to the college of cardinals, in favour of John Shirwood bishop elect of Durham, requests them to abate some part of the dues payable by him at that time to the Pope and college; in consideration that almost all the towns, possessions, and castles, of his bishopric, were situated in that part of England, which lay contiguous to Scotland; and were in use to be supported and defended by the bishop of Durham. This, he observes, could not be done without a vast expence, as might be easily judged from the bishop's being obliged to keep a hundred mercenary soldiers in one of his castles, (he must mean that of Norham) even in time of peace. What then is to be thought, adds he, of the whole number of his castles and other places, especially in the time of the present most grievous war, that we are carrying on with the most fierce and hardy nation of the Scots? he observes farther, that the castles and towns belonging to the church of Durham, were in so ruinous a state, partly through the negligence of preceding bishops, and partly by the devastations committed by the Scots, that the revenues of several years would not be sufficient to restore them. Rym. vol. xii. p. 224. There are more circumstances than one, aggravated in this account.

arisen

Richard III. K. of England. 1484.

arisen to a height of splendour and power, far beyond what had ever appeared in any other family on the borders of Scotland, or indeed in any other family or subject in the kingdom.

This success of James made it appear more expedient for Richard to make up his differences with him, than to support any longer his rebellious subjects against him. And James, on the other hand, had such discontents and disaffection to struggle with at home, as made it very desirable to him to cultivate peace with his neighbour of England. A congress of plenipotentiaries *, for composing the dissentions between the kingdoms, was held at Nottingham in September; and on the 21st of that month, a truce was concluded, to commence from sun-rising on the 29th instant, and to continue for three years, or till sun-setting on the 29th of September 1487. This treaty contains several articles relating to the particular circumstances of the time when it was concluded. That concerning the castle of Dunbar, which was then in the hands of the king of England, is somewhat singular. The castle, with the bounds belonging to it, was to enjoy an undisturbed abstinence from war for the certain term of six months, after the commencement of the general truce now concluded; and this truce of the castle was to continue during the remainder of the three years of the general truce, if the king of Scotland did not, in six weeks after its commencement, notify to the king of England, that it was not his pleasure, that the castle of Dunbar should be comprehended in the truce longer than six months: in which case, if hostilities should commence, they should be wholly confined to the attack and defence of the castle, and should in no other respect infringe the truce of three years, now concluded between the kingdoms. To this article relating to the castle of Dunbar, is immediately subjoined one concerning the town and castle of Berwick; by which it was agreed, that these places, together with the whole limits that were in use to be there possessed by the English, during the time of truce between the kingdoms, should be included in the present truce, during the whole three years of its continuance. Concerning traitors or rebels against either of the kings, it was agreed, that any such offenders should not, after the commencement of the present truce, be received into the dominions of the other; or if settled in them before, should not thereafter receive support or aid from the king, or any of his people. All persons of this character, who,

Rym. vol. xii. p. 235.

* The plenipotentiaries from Scotland were, Colin earl of Argyle, L. Lorn chancellor of Scotland, William biſhop of Aberdeen, Robert lord Liſle, Laurence lord Oliphant, John Drummond of Stobhall, Archibald Whitelaw archdean of Lothian, ſecretary to the Scottiſh king, (*Illuſtriſſimi & invicti ſſimi principis Jac. Scot. Reg. Secretarium*) Lyon king of arms, and Duncan de Dundas. Thoſe of the king of England were, John biſhop of Lincoln chancellor of England, Richard biſhop of St Aſaph, John duke of Norfolk, Henry earl of Northumberland, Thomas Stanley lord Stanley, George Stanley lord Strange, John Gray lord Powis, Richard lord Fitzheugh, knights; John Gunthorp dean of Wells, keeper of the privy ſeal, Thomas Barowe archdeacon of St Paul's maſter of the Rolls, Sir Thomas Brian chief juſtice of the king's-bench, Sir Richard Ratcliffe knight of the Garter, William Cateſby, and Richard Salkeld, eſqrs. of the king's body. By the date of the commiſſion to the Engliſh plenipotentiaries, it appears, that Richard was preſent himſelf.

during

James III. K. of Scotland. 1484.

during the truce, should pass from their own king's dominions to those of the other, should be delivered up by the latter; and the same should be observed with regard to those who had been settled in either kingdom before the beginning of the truce, and who, during the continuance of it, should commit any hostility or damage in the territories of their own sovereign. Such on their return were to be no longer protected, but to be delivered up to the prince whose rebels they were. As to those Scots who had taken up their abode in the English territories, and by swearing fealty to the English king, had, together with their wives and children, become his lieges, it was agreed, that a list of their names should be transmitted by the English wardens or their lieutenants, to the king of Scotland or his chancellor, within six weeks after the commencement of the truce; and that none of these people who might chuse to return to their own country, and hope to escape there the punishment due for offences they had committed on the borders of either kingdom, should, during the truce, be received into favour by the king of Scotland, or obtain his pardon; but that he should cause them to be apprehended and punished capitally, if the nature of their guilt made them liable to it; or if not, he should return them to the officers of the English king on the marches, to be chastised or punished by them, according to their demerits. And the same was to be observed by the king of England and his officers, with regard to any Englishmen, who, for the sake of refuge and immunity from the punishment of their crimes, had transferred their allegiance to the king of Scotland. Two new articles were added in this treaty, concerning the wardens of the marches and their lieutenants; on whose character and conduct the quiet of the borders, and peace of the kingdoms, very much depended. By the first of these, it was agreed, that within six weeks from the beginning of the truce, each king should give authentic notice to the other of the names, persons and states of his wardens and their lieutenants, and that when any changes should be made of these officers, in the course of the truce, such changes should not take place without previous notice of at least twelve days, given the other king or his chancellor; who was, at the same time, to be informed concerning the person of the successor; and that the warden or lieutenant to be removed, should, before his removal, give sufficient security to his sovereign, for reparation of damages that had been committed, or not redressed, during the time of his administration; and where the taking of this security had been either neglected, or had not been duly exacted, in such cases, recourse was to be had for redress to the king himself, who had made or confirmed any such removal. It was also farther agreed, that if, during the truce now concluded, any warden of either of the kings should lead an army into the territories of the other, or otherwise commit in them depredations, slaughters, or other acts of hostility; in that case, the prince, whose warden or lieutenant had thus offended, should, within six days from such hostile aggression, declare him a rebel and traitor; and within twelve days give authentic notice of his having issued such a declaration to the prince, whose subjects had been attacked. The general articles of this treaty both with regard to sea affairs, and the preservation of order on the marches, are the same as those in the treaty of 1464, and

Richard III. K. of England. 1484.

others preceding it; only some of these articles are omitted, at least in the copy published by Rymer *.

Rym. vol. xii. p. 244.

On the same day was subscribed a convention for a marriage between the duke of Rothsay, and Ann de la Pole, daughter to the duke of Suffolk, and niece to Richard by his sister; but Richard had met his deserved fate, before the day arrived, that was fixed for settling the particular terms of the match. Another convention was subscribed on the day following, appointing meetings of the *great commissioners* for all the marches, to be held for the more speedy and effectual ensuring the observation of the truce. Those of the middle and east marches, were to meet at Reading-burn on the first of December; and they were appointed then and there to depute certain persons to pass to the bounds of Berwick, and see that these were agreeable to what was enacted by the treaty of truce. In order to make those settlements that were immediately necessary, and to prepare matters for the meetings of those called the *great commissioners*; previous meetings of gentlemen on both sides of the west, middle, and east marches, were appointed to be held in October at Luchmaben-stane, Hawden-Stank, and Reading-burn †.

Sept 22. Ib. p. 246.

* The three firſt articles of the original treaty of 1424, (above p. 389, &c.) and copied thence in all the ſubſequent treaties are not in this; nor the article prohibiting the ſhips of one country to ſtop the navigation of thoſe belonging to the other, which appears in all the treaties ſince that of 1451 incluſive (above p. 414.) The article alſo requiring, that the wardens and men of note near the borders ſhould ſwear to the obſervation of the truce, (above p. 404, 412.) and continued in ſubſequent treaties is here omitted. Such oaths in the preſent ſtate of the borders would have been of hard digeſtion and ill kept; which was indeed too much the caſe at all other times.

The conſervators of this truce on the part of Scotland were, David earl of Crawford and lord Lindſay. George earl of Huntly, lord Gordon and Badenoch; John lord Darnely, John lord Kennedy, Robert lord Lile, Patrick lord Hailles, Laurence lord Oliphant, William lord Borthwick, John Roſs of Halkhede, John Lundy *de eodem*, James Ogilvy of Airly, Robert Hamilton of Fingalton, William Belzie of Lammington, John Kennedy of Blarquhan, John Wemyſs *de eodem*, William Ruthven *de eodem*, and Gilbert Johnſton of Elphinſton, knights; John Dundas *de eodem*, John Roſſe of Mongrenan, and Edward Crichton of Kirkpatrick, eſqrs. For the king of England the conſervators were, John earl of Lincoln, Henry earl of Northumberland, Ralph lord Neville, Ralph lord Grayſtock, Richard lord Fitzheugh, John lord Scrope, Thomas lord Scrope of Maſſa, Humphrey lord Dacre, Richard Ratcliff, John Conyers, Edmund Haſtings, Robert Conſtable, Hugh Haſtings, William Evers, John Huddelſton, Chriſtopher Moreſby, knights; William Muſgrave, William Claxton, Richard Salkeld, eſqrs. and together with theſe, all the admirals and wardens of the marches of both kingdoms.

† The great commiſſioners for the middle and eaſt marches were, on the part of England, the earl of Northumberland, lord Grayſtock, lord Scrope of Maſham, Sir William Gaſcoyne, and Sir Robert Conſtable; on the part of Scotland, the earl of Angus, the earl of Huntly the earl of Argyle chancellor of Scotland, lord Annandale, lord Seton, lord Oliphant, and the laird of Stobhall, or any three of each liſt. The inferior claſs of commiſſioners that were to hold a meeting at Hawden-Stank on the 18th, and at Reading-burn on the 21ſt of October, were, on the ſide of England, Sir Henry Percy, Mr Alexander Lee, John Cartington, Nicholas Ridley, and Robert Colingwood; and for Scotland, Alexander Hume, Walter Carre, David Scott, George Hume of Ayton, James Rutherford laird of Rutherford, and Andrew Ormeſton laird of Ormeſton, or three of each liſt. A meeting was alſo to be held for adjuſting the bounds of Dunbar, and redreſſing wrongs that had been committed there. There is an unuſual article in this convention, appointing ſafe-conducts to be given by each king to a ſubject of the other whom his own ſovereign ſhould name, allowing the perſon thus named, and twelve in his company, to carry what merchandiſes they pleaſed into the neighbouring kingdom, and to paſs and repaſs with them ſafely during all the time of the truce now concluded.

In

James III. K. of Scotland 1484.

In consequence of these transactions, the cause of the duke of Albany being abandoned by his old and intimate friend Richard, the duke retired into France; where he died not long after, of a wound he received at a tournament. But his late friends and dependants on the borders, were ill-disposed to observe a treaty which implied a total subversion of their immoderate views. And hence the truce was so badly kept, that, as if it had not existed, a commission, in the following December, was given by Richard to some of the most eminent * men on the marches, to negociate, either conjunctly or apart, with any having commission from the king of Scotland, a truce for any convenient and moderate time; during which hostilities should cease every where by land and sea, between the subjects of the two kingdoms; and they should treat one another with such mutual acts of friendship, as had been usual in former times of truce between the nations. In the beginning also of the following year, Sir Richard Ratcliffe knight of the king's body, Nicholas Ridley esquire of the same, and John Carington esquire, as commissioners from the king of England, were empowered to treat with others from the Scottish king, concerning the best means of rendering effectual the several articles of the treaty lately concluded at Nottingham, and of redressing the wrongs that had been on either side committed; in violation of it. For carrying on this work, they had a power of fixing diets for march-meetings; in consequence, whereof Ratcliffe and Ridley, with some others †, commissioned by Richard, were to have a meeting in the following spring, with commissioners from the king of Scotland, at Lochmaben-stane, or in the neighbourhood; from which it would seem, that the principal excesses had been committed on that side of the borders.

Rym. ib. p. 252. Dec. 2.

A. D. 1485. Jan. 30. Ib. p. 258.

Ib. p. 266, 267.

In the mean time the king of Scotland was advised by his parliament, which met in February, to undertake the siege of the castle of Dunbar; and as the same parliament declared their approbation of the truce, and of the intended match between the duke of Rothesay and Anne de la Pole, it may be concluded that James, in six weeks after the truce began, had, as the treaty concluded at Nottingham required, notified to the king of England, his intention of besieging the castle, after the expiration of the first six months of the truce. The parliament advised him to begin the siege by the first of May; at which time all on the south of the Forth, that owed the king military service, were appointed to repair to the place, with proper arms and accoutrements, and provisions for twenty days; and on the 18th of that month, those on the north of the same boundary, were ordered to be also at the siege, to share with their countrymen the labour and hazard of the enterprise. But notwithstanding of this appearance of proceeding by forcible

Aberc. vol. ii. p. 465. from Black Acts, fol. 70.

Buchanan. Holingshed.

* These were, Humphrey lord Dacres, Richard de Salkeld John de Crakenthorp, and William de Musgrave, for the west march; and Sir Henry Percy, Sir Thomas Gray, John de Cartington, Robert Colingwood, and John Lilburn, for the east and middle marches.

† The other English commissioners were, Thomas Metcalf chancellor of the duchy, William Claxton, and Nicholas Salkyld. The Scotch commissioners were, lord Kennedy, lord Lisle, Alexander Hume, David Scot, Mr John Ireland, Mr Alexander Stuart, Sir Gilbert Johnson, and John de Murray.

Richard III. K. of England. 1485.

methods, it doth not appear that any such were attempted during the life of Richard; who, according to some historians, amused his neighbour-monarch with fair promises, in answer to repeated solicitations from him to restore his castle, without obliging him to have recourse to such violent proceedings as were unbecoming the present friendship of the kings, and the prospect of a near relation betwixt their families.

Aug. 22. In the month of August following, the miserable dream of sovereignty which had harrassed Richard during a short reign of two years and two months, came to an end together with his life, in the field of Bosworth. The general abhorrence against the tyrant, together with an engagement, that Henry Tudor earl of Richmond had come under to marry Elizabeth the eldest daughter of Edward IV. and thus to unite the claims of the two rival houses of York and Lancaster, conspired to aid a very lame title which that earl had to the crown as the heir of the family of Lancaster; so that, with an almost universal consent he was raised to the throne, under the title of Henry VII.

THE

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND.

## BOOK VII.

Henry VII. K. of England. James III. K. of Scotland.

1485.

Aberc. vol. ii. p. 468. Buchanan. A. D. 1486. July 3. Rym. ib. p. 285.

DURING the commotions attending the great revolution, by which Henry VII. was raised to the throne of England, it is probable that an object so remote as the castle of Dunbar had been little attended to; and James availing himself of so favourable an opportunity, laid siege to it in winter, and obliged the garrison to surrender on terms. In the following summer a truce was concluded at London between the new king of England, whose temper was always pacific, and James the king of Scotland, who had still the same reason, from the discontents of his nobles, to cultivate peace with England. This truce was to continue three years, from the third of July in the present year: and the general articles of the treaty differ very little from those in that concluded between James and Richard, in 1484; there being also the same omissions in it of articles that had been inserted in former treaties.

With regard to fugitives from Scotland *, who had become lieges of the English king, and whose names had, agreeably to the treaty at Nottingham, been sent into Scotland, it was now agreed, that they should be obliged by the English to observe the articles of the present truce; and that any wrongs committed by them against the subjects of the Scottish king, should be redressed in the same manner as if they had been committed by the original subjects of the king of England: the same rule being observed on the part of the king of Scots, if any Englishman had before these times sworn fealty to him. What is of a more particular nature in this treaty, relates to the town and castle of Berwick. These, together with their bounds, were to enjoy a truce of one or three years, according to certain events and circumstances declared in the pre-

Above, p. 449.

* This article concerning fugitives of either kingdom, becoming subjects of the other, is continued in subsequent treaties.

sent

Henry VII. K. of England. 1486.

sent treaty. For, it was thereby agreed, that, on the 8th of March, ensuing, with continuation of days, if requisite, a diet should be held on the marches between commissioners from each king; who should be instructed and impowered amicably to determine the bounds to be possessed by the inhabitants and garrison of the town and castle, agreeably to their extent and limits, during former truces, while these places were in the hands of the king of England; or if a clear proof could not be obtained of the precise extent of these ancient boundaries the commissioners should then in a friendly and equitable manner settle new ones. It was farther agreed, that, if questions and differences on this head were not determined by the commissioners before the 8th of April, in that case the present truce should expire at the end of a year from its commencement; but, in order, if possible, to prevent this disagreeable event, the English commissioners at the abovesaid diet, after having spent some time on its particular business, should, whether they had finally determined it or not, proceed to the city of Edinburgh, in hopes of bringing it to a reasonable conclusion there, before the 8th of April; and also to treat of a closer friendship and longer truce between the kingdoms; and in that view, to negociate a marriage-treaty between (*a*) James marquis of Ormond, the king of Scotland's second son, and Catherine third daughter of the late Edward IV. of England. In the mean time, it was agreed, that whether the truce should continue three years or one, the town and castle of Berwick, with their limits and inhabitants, should be comprehended in it; so as that the king of Scots should abstain from all manner of hostilities against them, and the king of England should not allow his subjects in the town, castle, or bounds, to commit any hostilities against Scotland *.

(*a*) Afterwards archbishop of St Andrews.

This treaty was ratified by the king of Scotland towards the end of the following October; but it is probable that the meeting appointed by it, in the following spring, in the neighbourhood of Berwick, was either prevented or disturbed by the rebellion of Lambert Simnel. For, in the course of the winter, that young impostor, personating the earl of Warwick, son to George duke of Clarence, made his appearance in Ireland; and, from the affection

* The commissioners who negociated this truce were, on the part of Scotland, William bishop of Aberdeen, John lord Bothwell (Ramsay James III.'s favourite), John lord Kennedy, knights, Robert abbot of Holy Rood House, Archibald Whitelaw archdeacon of Lothian, secretary, and John Ross of Montgrenan; on the part of England, John of Worcester and John of Lincoln bishops, Friar John Wiston prior of the order of St John of Jerusalem in England, and John lord Dynham, knights, Thomas Lovel treasurer of the king's chamber, and Mr Henry Ainsworth LL. D. canon of Lincoln, secondary in the office of privy-seal.

The conservators of this truce were greatly reduced from the number usual in all the treaties since the restoration of James I. They are only here the wardens of the marches, their lieutenants, the admirals of the sea and keepers of the marches on each side. The wardens of the marches were, on the side of Scotland, Archibald earl of Angus, lord Douglas, for the east and middle, and John lord Maxwell for the west march; and on the side of England, Henry earl of Northumberland, for the east and middle, and the lord Dacres for the west march. Their powers as in former truces. The distinction between *gardiani & custodes marchiarum* appears first clearly in this treaty; and the *custodes* appear also to have been different from the *locatenentes* of the wardens. Besides the *wardeni* the other conservators are thus expressed: *et eorum locatenentes & omnes admiralli maris, & custodes marchiarum.* See below, ad ann. 1522.

of

James III. K. of Scotland. A. D. 1487.

of the inhabitants of that kingdom to the house of York, was, almost unanimously acknowledged by them as their sovereign. John de la Pole, earl of Lincoln, whom the late king Richard on the decease of his own son, had declared apparent heir to the throne, joined in this rebellion; accompanying to Ireland a body of two thousand German mercenaries, whom Margaret duchess dowager of Burgundy, sister of Edward IV. and the implacable foe of Henry, sent over to assist the impostor. The alarm and danger from this rebellion were not over till about Midsummer; when the rebels, who had landed from Ireland in the beginning of June, received a total defeat in the battle of Stokefield near Newark on Trent. According to the late treaty, if differences were not adjusted about the bounds of Berwick before the 8th of April in this year, the truce was to expire on the 3d of the ensuing July; and that it did expire, appears evident from a convention made at Edinburgh, in the end of November, between commissioners from the two kings*, wherein mention is made of a truce that had been lately concluded at Edinburgh, and was to continue to the third of July in the following year. While Henry was on a progress through the northern counties, carrying on a severe inquisition against those concerned in the late rebellion, he sent from Newcastle† into Scotland Richard Fox bishop of Exeter, and Sir Richard Edgecombe comptroller of the household, to treat with James about finally composing all quarrels between the kingdoms. The proposals for this purpose were very strange: whether we consider them as coming from Henry or hearkened to by James. Besides the marriage between the marquis of Ormond and Catherine‡ the third daughter of Edward IV. which was mentioned in the treaty of last year; a marriage was now proposed between James himself and Elizabeth the widow of Edward, and another between the duke of Rothesay and any other daughter of Edward, whom the two kings should chuse. It is true, Elizabeth was the mother of Henry's queen, and of the two English princesses now proposed to be married to the two princes of Scotland. But a factious hatred and jealousy of the house of York had got the ascendant in Henry's mind, over all sense of interest and decency; insomuch that his marriage with Elizabeth was visibly a force upon him, and he ever treated her harshly; though as lord Bacon observes, she was beautiful, gentle, and fruitful. Nor would he suffer her to be crowned, until the rebellion of Lambert Simnel convinced him of the universal and dangerous offence he gave by delaying it. On the breaking out of this rebellion, he had shut up the queen-dowager in a nunnery, on suspicion of her being privy to it, and had seized into his hands all her estate and treasures, which were very great. He kept her in this confinement all the remaining part of her life; and in this situation she had been many months before the proposal now made of marrying her to the king of Scotland. He knew her to be a woman of spirit, resentment, and political

Rym. vol xii. p. 328.

* These were, Carlisle herald for England, and Snawdon herald for Scotland.

† He came to that place about the middle of August. Stowe, p. 472.

‡ She was afterwards married to the viscount Wills, and afterwards to Sir John Kyme, an obscure gentleman in the Isle of Wight. Carte, vol. ii.

intrigue;

Henry VII. K. of England. 1487.

intrigue; and had she become James' wife, and her two daughters the wives of his sons, Scotland would naturally have become a sanctuary of the friends of the house of York; and Elizabeth would have improved the old connexion between Scotland and France, and every other circumstance to distress Henry; whose hard treatment it was not likely that she would ever forgive. On the other hand, it is equally strange, how James a man not thirty-five years of age, should have thought of marrying a woman who was at that time several years above forty, and must probably have been broken in health and spirits by the series of misfortunes she had gone through. He must also have heard of the strong symptoms of aversion that Henry had shewn to the house of York, which made it altogether improbable that the projected alliances with that house, should prove a mean of cementing union and friendship between the kings. James appears to have had a vehement desire of recovering Berwick, which Albany and his faction had given up, while the king's authority was annihilated. And in the convention now in question, the restoring of Berwick is mentioned as the result of the amicable termination of the differences between the kings, and of their near alliance; though it is likely that Henry never seriously intended to quit with that place; and that the prospect he gave of restoring it as well as of the several intermarriages, was intended only to amuse. It was agreed, however that for the farther treating of these matters, and bringing them to a conclusion, a diet that had been before fixed, should be held at Edinburgh on the 24th of January, and that at this diet another should be fixed to be held in the month of May, and that in July there should be a personal interview between the kings, in order to a fuller communication of their secret views, and the confirmation and increase of friendship between themselves, their kingdoms, and subjects. It was also agreed, that the present truce, which was to have continued until the third of July in the year following, should be prolonged to the first of September in the year 1489; and that, with regard to the town and castle of Berwick, and their limits, as well as in every other respect, the conditions of it should be the same as those of the late treaty at London.

A. D. 1488. Jan. 30. Rym. ib. p. 334.

In the following January, but after the day of the diet mentioned in the late convention, Henry earl of Northumberland received a commission to treat of a peace or truce with the king of Scotland or his commissioners; and had power given him to depute others to manage this negociation, either in his own presence or absence.

Ib. p. 340.

In May also a commission was given to two persons of inferior rank* to treat with the Scottish king, or such as should be deputed by him, about a peace perpetual; or, during the lives of the kings, a truce, confederacy, and freedom of commerce: but there is no mention, in either of these commissions, of the marriages that had been before proposed.

Feb. 2. Ib. p. 334.

During this period, also, a safe-conduct was granted to twelve persons, and their retinue, coming as ambassadors from the Scottish king to the court of England;

* John Baltesfwell LL. D. and clerk of the king's council, and Henry Wyot treasurer of the jewels.

land*; and a commission was renewed to lord Dacres, and others, to settle with commissioners from Scotland, certain differences that had arisen about the fish-garth in the river of Esk. These are proofs, and the last that appear in the course of James's reign, of a friendly intercourse between the two kings; but there is ground to suspect, that Henry was also in some secret correspondence with that party of the Scottish nobles who openly rebelled this year against their sovereign; for there were letters of safe conduct †, and a special protection granted by him, in the month of May, with the advice of his council, to several of the heads of that faction.

James III. K. of Scotland. 1488.

For it was about this time that the mutual hatred and continual jealousies between James and a great part of his nobles, produced an open aggression on the part of the latter. The unfortunate monarch still retained his weakness for favourites; Ramsay, whose life he had preserved at Lauder, by the most earnest intreaties, when the rest were torn from him, he made a lord, and bestowed on him the office of master of his household; and is said to have issued an edict, forbidding all others to appear armed at court, except this minion and his dependents. In the two preceding parliaments, severe laws were made against malefactors and disturbers of the public peace; and the king had solemnly promised to the parliament that met in October, to give no pardon to those guilty of the more heinous kinds of crimes, for seven years to come. These acts chiefly affected the mutinous lords and their followers, and above all, the inhabitants of the borders. The king had also proposed to annex unalienably to the crown the earldoms of March and Annandale, with the baronies of Dunbar and Colbrandspath, which had been possessed by his brother the duke of Albany, and served to render his disaffection so formidable. All the dependencies of these earldoms, and particularly the castles of Dunbar and Lochmaben, and the tower and fortress of Colbrandspath, were to be vested in the king; and any gift of them made by himself or successors, without the consent of parliament, was to be in itself null, and revokable at pleasure. To this annexation, the representatives of the burghs appear alone to have given their sanction; but a project of that nature, which threatened the introduction of a severer discipline than the banditti of the borders had ever been accustomed to, could not fail to give a great alarm, and excite a furious resentment. By an annexation of a different kind, that of the ancient priory of Coldingham in the Mers, to the king's chapel of Stirling; which James had lately made, and for which he obtained the sanction of his last parliament, great offence was given to the Humes and Hepburns, who were

Buchan. l. 12, c. 55.

Acts of parliament, Glendook's edition, p. 78.

* A former commission had been issued for this effect, on the 14th of the preceding October.

† The persons named in this safe conduct are, Robert bishop of Glasgow, George bishop of Dunkeld, Colin Campbell earl of Argyle, chancellor of Scotland, Patrick lord Haills, Robert lord Lisle, Matthew Stewart master of Dernlee, and Alexander master of Hume. Argyle, Haills, and Lisle, are mentioned by all the historians as of the number of the rebels; and also lord Hume, father, it is probable, to the master here spoken of. Was Matthew Stewart of Dernlee for to the earl of Lennox? Which earl is also mentioned as one of the rebels. In Pope Innocent's bull for absolving the rebels, mention is made of certain lords, *spiritual* as well as temporal, being amongst them. It is probable, that the bishops of Glasgow and Dunkeld were two of these spiritual lords. Abercromby, vol. ii. p. 482.

Henry VII. K. of England. 1488.

at that time very potent and numerous in the Mers and Lothian, and resented it as a grievous injury, that an opulent monastery should be suppressed, of which, some younger son of their families used to be prior; and that its possessions and revenues intermixed with their estates, or payable out of them, should be put into hands that would assert all their claims with rigour. The disaffected barons were also alarmed with the appearance of the intimate correspondence and friendship between Henry VII. and their own king; on which they afterwards, in the act of parliament they obtained for their vindication, founded a charge of James's purposing to introduce Englishmen into the kingdom, and perpetually to subject it to England; nor was it unnatural for them thus to accuse him of a method of obtaining protection from England, that some of themselves had, in concert with the duke of Albany, not long before practised. James was also charged with decoying to Edinburgh, by fair promises and pretences of reconciliation, the heads of the rebellious faction, and proposing there to the earl of Angus to cut them all off; and this snare, they are said to have escaped by the address of Angus, who promised to support with all his might the king, in a course of judicial proceedings against them; but having immediately after joined them, broke out, in conjunction with them, into open rebellion. It seems sufficiently evident, that the king had formed a scheme of depressing the power of his nobles; following therein the example of his ally Louis XI. of France, but without either the talents or strength that were necessary to succeed in so difficult an enterprise: and as monarchs who are fond of extending their power, are seldom scrupulous about the means, it is probable, that James also imitated Louis in his perfidy, it being affirmed in the famous act already referred to, that certain articles which he had subscribed with his hand, were divers times broken by him. But, whatever were the genuine merits of this cause, it is certain, that the greatest part of the country on the south-side of the Forth, and a considerable part also of the northern counties, took arms against their sovereign. Their principal leaders were, the earls of Angus, Argyle, and Lennox, the lords Hales, Home, Drummond, Lisle, and Gray, who, in order to give a more favourable colour to their rebellion, got into their hands James duke of Rothesay, the king's eldest son, a youth then about fifteen years old, and prevailed with him to appear at their head, by persuading him that his father was engaged in measures equally ruinous to his family and kingdom; and also, even by threatening him, if he abandoned them, to deliver up the kingdom to the English. The rebels soon possessed themselves of the southern counties, and reduced the castle of Dunbar; but the king retained the castles of Edinburgh and Stirling, which his adversaries were noways provided for besieging. As his subjects on the other side of the Grampian mountains continued loyal, he made a visit in the beginning of the rebellion, to that part of his kingdom, and engaged the northern lords to bring up their dependents to his aid. He was carried to the northern coast by Sir Andrew Wood, a famous sea captain of that age, who commanded some ships in the Frith of Forth, and was entirely in the king's interests. By the same conveyance he was brought back again, and landed at Blackness; where an army soon assembled around him, partly

Buchan. l. 12. c. 56, 57.

partly from the north, and partly from some counties of the south and west, where he was still obeyed. The rebels came up to him here, but an agreement was made by the intercession of the earl of Athol, the king's uncle, who gave himself up an hostage to the lord Hales for the observation of it. This agreement the king is said to have broken, on which his adversaries ran again to arms; and would thenceforth hearken to no terms of accommodation, unless he should first resign his crown to his son. The king, however, kept himself shut up in the castle of Edinburgh; having sent ambassadors to the kings of England and France, and also to the Pope, to beg their interposition and aid. But the help expected from these quarters was too distant; and the temerity of the king, or ill advice of those around him, precipitated him into a measure that proved his ruin. Judging Stirling a more proper place for meeting a numerous army, that was coming to his assistance from the north, he abandoned the castle of Edinburgh; but when he appeared before that of Stirling, the governor Shaw, refused to admit him. The rebels watchful over all his motions, came quickly up with him; and although he was inferior in numbers, and might have been taken on board the ships of Sir Andrew Wood in the Firth, he resolved to risk an engagement. The first attack from the king's forces was vigorous, and made the main body of the nobles to give way; but the borderers inured to war, and carrying longer lances than those on the king's side, coming up under the lords Angus and Home, soon determined the fate of the day. The king's main body was put to the rout, and he himself flying from the field of battle, retired into a mill, where he was found and murdered by some of his pursuers.

James III. K. of Scotland. 1488.

This revolution in Scotland was followed by intestine commotions, that continued a considerable time. James IV. was crowned soon after his father's death; but the late loyalists could not bear the thoughts of the young king, together with the administration of the government, being wholly in the hands of the rebellious faction. Some also of those who had been engaged in the rebellion deserted their associates, and joined the adverse party *. But this party, after some ineffectual efforts made by them, were all either subdued or reconciled. The kings of England and France, were so much engaged about the affairs of Bretagne, the latter in attempting to subject that province, the other in endeavouring to preserve it to the old duke and his daughters, that neither of them could give much attention to the affairs of Scotland. The Scottish historians celebrate the exploits of their famous sea commander Wood, in destroying some English ships of greatly superior strength to his own, that were sent to infest the Scottish coasts, and distress the rebels; but there is not the least mention of these things in the English writers. It seems also evident, that Henry, whose views were ever pliable to circumstances, and to events that did not admit of alteration, was soon in friendship with the earl of Angus, who may justly be considered as the head of the Scottish rebellion; for in February of the following year, he granted a safe-conduct to that earl going with a great retinue on a pilgrimage to Amiens, wherein he calls himself

James IV. K. of Scotland.

A. D. 1489.

* Holingshed mentions the earl of Lennox and lord Lisle.

Henry VII. K. of England.

1489.

self his well-beloved. In the first parliament after the king's accession, Angus was one of those who were appointed to exercise justice and preserve order in the different provinces of the kingdom, during the king's minority. Angus' district consisted of the shires of Tiviotdale, Tweddale, and Clidesdale. Mers and Lothian were that of the lords Home and Hales. The war in Bretagne just mentioned, had also an indirect influence in hastening the fate of a famous border-chieftain, on the side of England. A tax, heavy and unusual, had been imposed by the English parliament, for defraying the expence of sending forces to the aid of the duke. The people of Yorkshire and the county of Durham, who, from the affection they had borne to Richard III. were bad subjects to Henry, refused payment, and maltreated the collectors. The earl of Northumberland, who was at that time president or lieutenant of the north, represented the state of affairs to the king; but in return, received express orders not to make the least abatement of the sums imposed. These orders the earl communicated to a meeting of the principal persons of the country; and, in an imperious manner, declared his resolution to see them executed: which being soon made public, so enraged the people, that a multitude of them assaulting the earl in his house of Cockledge near Thriske, put him to death, together with several of his servants *. An insurrection followed, which was soon quashed by Thomas Howard earl of Surrey; whom the king had a little before delivered from prison, and received into his favour and confidence.

Rym. vol. xii. p. 358. October.

Carte, vol. ii. p. 832.

Vitalis Matt. April 28. Tuesday. Dudg. I. 282.

The last truce between England and Scotland, that appears in printed records, was to expire in the beginning of September 1489; nor does it appear, notwithstanding the disorders in Scotland, that this truce was violated on the borders. The border lords were the chiefs of the faction that deposed James; and the difficulties they found in supporting their authority in the interior and remote parts of Scotland, made it necessary for them to maintain peace with England. Henry's pacific character, and the employment the ambition of France gave him on the continent, made him equally averse to hostilities on the side of Scotland. These motives had conspired to produce a prolongation of the truce beyond the term abovementioned; though it is not known at what time this continuation was concluded. But the period of it had not been long, as is evident [redacted] a new treaty of this kind concluded at Coldstream, in December 1491, to continue five years from the date of its signing †.

Dec. 21.

Rym. vol. xii. p. 465.

This treaty of a truce, to continue five years after the date of its signing, and the articles whereof are copied in several subsequent ones, is much shorter

* Dr Percy, in his reliques of ancient English poetry, publishes Skelton's epitaph on this earl, written soon after his death. Skelton, who commonly styled himself Poet Laureat, died in 1529. He represents the earl's domestics, barons, knights, and esquires, as deserting their master, and flying, being in concert with the commons. Rel. Eng. Poet. vol. i. p. 110, 111, 112.

† The negociators of this truce were, on the part of Scotland, William bishop of Aberdeen, William lord of St. John, Alexander Inglis archdeacon of St. Andrews, John Hume of Arselton, and Patrick Hume of Fast-castle; and, on the part of England, Richard bishop of St. Asaph, Sir John Graystock lord of Graystock, Christopher Urswick dean of York, John Cartington, esq. and Edward Ratcliff.

than

James IV. K. of Scotland. 1491.

than those we have before given an account of. Instead of the particular articles in these for the security of navigation and commerce, it is here agreed, that the ships, sailors, merchants, and other subjects, of either of the princes, in passing or repassing by land, sea, or fresh water, whether in the cases of their conversing, sailing, suffering shipwreck, or sojourning, should in every respect have such treatment and reception, as used to be given them in the times of former truces between the kingdoms. Instead also of the particular regulations in preceding treaties for bringing to justice malefactors and truce-breakers, it was agreed in this, that such offenders should be severely punished in the same form and manner as had been anciently established. The *Hot Trodd* was allowed, as in former treaties. It was agreed also, that neither prince should give aid or assistance of any kind to the rebels or enemies of the other; with this addition *, that if any such rebel or adversary of either king, actually residing within the dominions of the other, should commit any trespass to the damage of the territories or subjects of that prince first named, in that case, the prince, in whose dominions the offender was guilty, and was afterwards received, should cause reparation to be made to his neighbouring prince, in the same manner as if the damage had been committed by a subject of his own. It was farther agreed, that if any pirates, fugitives, or exiles of either kingdom, after having committed spoil or depredation on the goods of any of the subjects of the same, should put into any port of either of the princes, the prince, whose port he entered, should cause such persons to be securely kept, and themselves and resetters to be delivered up to the injured party; or else cause complete restitution or redress to be made. It was also agreed, as in former treaties, that, by particular violations of this truce committed either by sea or land, the truce itself should not be considered as broken or annulled, but that such wrongs should be redressed according to justice; but the inconveniency of allowing particular persons to redress their wrongs at their own discretion, and by their own power, had been so fully experienced, that it was now established and concluded, that, if any subject of either of the kings who had suffered spoil or rapine from a subject of the other, should on that account by his proper authority make prey, spoil, seizures, or distraints, of persons or goods, he should, on account of such behaviour, lose his cause, and be farther punished according to the exigency of his offence. This treaty contains also an article relating to Berwick, wherein it is agreed, that the town and castle, with the bounds and their inhabitants, should be comprehended in the peace and truce now concluded, through its whole duration; so that neither the king of Scotland, by himself, or any subject to him, should commit hostilities of whatever nature against

* "Si de facto aliquis rebellis, hoſtis, vel inimicus unius vel alterius principis, exiſtens vel futurus in regno terris, vel dominiis alterius, eorundem tempore quo ibidem extiterit, aliquid fecerit per terram, mare, vel aquas, dulces, ad damnum alicujus eorundem vel regnorum, terrarum dominiorum, vel alicujus ſubditorum ſuorum, tunc ille princeps, in cujus regno, terris vel dominiis, talis rebellis, hoſtis, vel inimicus ſic commiſit, and poſtea receptus fuerit damnum illud reparari et refarciri faciat, ac ſi proprius ligeus and ſubditus ejuſdem, hujuſmodi damnum commiſiſſet aut perpetraſſet."

those

Henry VII. K. of England. 1491.

those places or their inhabitants, or the king of England employ the garrison, or inhabitants, in any acts of hostility against the king of Scotland, his vassals, or subjects. It was also agreed, that there should be a mutual abolition and remission of trespasses against all former truces, down to the date of the present *.

A. D. 1492.

This treaty was ratified by the English king, on the 9th of the following month; but the king of Scotland availed himself of a proviso in the end of it, by which either king had liberty to notify his disapprobation of it, to the lieutenants of the wardens of the east marches, on the 15th of February ensuing, or in eight days thereafter. The court of Scotland was never long free from French influence; and this, in the present circumstances of affairs, must have been all employed to alienate James from his neighbour of England †. For the French king, Charles VIII. having lately possessed himself of Bretagne, by marrying the young duchess, who by proxy had been married before to Maximilian the king of the Romans, had the strongest reason to apprehend the resentment of Maximilian and his ally Henry. Perhaps also some of the terms

Ib. p. 473.

of the treaty were disagreeable to James; for in one soon after concluded for the short term of nine months, commencing from the 20th of February ‡, the article is omitted, which appoints the subscriptions and seals of the prelates and nobles of both kingdoms to be joined to the great seals of the kings. And, instead of a mutual abolition of claims, for the redress of past damages, it is agreed, that march-days should be appointed by the wardens, their lieutenants, or deputies, in the usual places, for the redress of wrongs, past and future, according to the laws and customs of the marches. It was also judged expe-

* This truce was to be proclaimed on all the more remarkable places of the borders beginning at Coldſtream on the day of the date of the treaty: and on the Friday thereafter, being the 23d of December at Norham and Lauder; and ſo continuing, wherever it was needful, and as ſoon as it could be conveniently done, through the eight following days. Certain lords ſpiritual and temporal were to confirm this treaty by their hands and ſeals; and the letters patent, containing it, under the great ſeals of each king, and with the ſeals and ſubſcriptions of the nobles, were to be delivered for the Scottiſh king to Sir William Tyler; and for the Engliſh king to Patrick Hume of Faſt-caſtle. Sir William Tyler has not here any deſignation; but in ſubſequent treaties is called the king's lieutenant, and captain of Berwick upon Tweed. Thoſe who were to ſubſcribe and ſeal the treaty along with the king of England, were the biſhops of Exeter, Ely, and Worceſter; the earls of Derby and Arundel, and the lords Dynham, Audley, Strange, and Dacres. Thoſe on the part of Scotland were the biſhops of Aberdeen, Dunkeld, and Galloway, Colin earl of Argyle chancellor of Scotland, Archibald earl of Angus, Patrick earl of Bothwell, and lord Hailles, and the lords Liſle, Oliphant, and Drummond. It was agreed, that three perſons on each ſide ſhould meet in the Auguſt following, in order to inſpect the Fiſh-Garth upon Eſk, and to adjuſt the differences about it; and alſo the bounds of the debatable lands. Lorn in Scotland, and Lundy in England are ſtill excepted out of this truce.

† That James was not well diſpoſed towards Henry, may, perhaps, be inferred from the latter making a bargain with certain ſubjects of the former in the ſpring of 1491, that theſe ſhould deliver James, and his brother the duke of Roſs, into the hands of the king of England. The project did not take effect; and, perhaps, James diſcovering or ſuſpecting ſuch under-hand dealings on the part of his neighbouring monarch, was the leſs diſpoſed to cultivate friendſhip with him. Rym. vol. xii. p. 440. Abercromby, vol. ii. p. 496.

‡ This ſhort truce was negociated by Alexander Inglis archdeacon of St. Andrews, and Chriſtopher Arſwick dean of York, who were two of the commiſſioners employed in negociating the former.

dient,

dient, that certain nobles and counsellors of both kingdoms should meet for the same effect, at Haddington in Scotland, or Newcastle in England, on the first day of the ensuing October. This treaty was ratified by James, on the 18th of March; and Henry, that he might not be disturbed by the king of Scotland in his preparations for an expedition against France, was glad to acquiesce in it *. James IV. K. of Scotland. 1492.

About six weeks before the king of England embarked for France, he appointed plenipotentiaries for renewing or prolonging his truce with Scotland. He had delayed his voyage until October, that the advanced season of the year, improper for action, and depriving him of the succours he was to have been furnished with from Ferdinand of Spain, might serve as an excuse for his concluding a sudden peace with the French king; a measure which he had fully resolved on; and it is probable, that the king of Scotland, being acquainted with the pacific views of his neighbours of France and England, agreed the more readily to a prolongation of the truce with the latter; the treaty of which was signed at Coldstream †, on the very same day that the treaty of peace between France and England was signed at Estaples. This truce was to continue until the last of April 1494; and the tenor thereof, in articles of a general nature, and in the article relating to Berwick, is the same with that of the two preceding. The commissioners, as was usual, were not only charged with negociating a new truce, but with treating of the reparation of mutual wrongs. But on this head such difficulties had arisen, with regard to injuries committed by water, that, after several diets, and long altercations, they could come to no certain conclusion. It was therefore agreed, that new commissioners should be appointed by each king to meet at Haddington and Berwick, on the first day of August next ensuing, in order to a discussion of all such matters, and a complete restitution of all things, that, on either side, had been unjustly seized or detained ‡. Aug. 22. Rym. lib. pl. 495.

One principal reason of Henry's concluding so quickly a peace with France, was the appearance of a new pretender to his crown, which the busy and implacable resentment of Margaret of Burgundy had lately raised up. This was the famed impostor Perkin Warbeck; who, having first shewn himself in Ireland, under the name and character of Richard duke of York, second son of Edward IV. and the alone rightful heir of the crown of England, was,

* Proclamation was to be made of this truce, beginning at Coldstream, afterwards at Norham and Lauder; and in other places needful, as soon as might be in the eight following days.

Carte says, That in an English parliament, which met October 27, 1491, and in its last session, which continued from January 26th, to March 5th in 1492, an act passed, banishing all Scotchmen out of England; which was occasioned by the Scots having lately renewed their old alliance with France, for which last fact he quotes Du Tillet as his authority. Carte, vol. ii. p. 835.

† This place both in this treaty, and in that of the 21st of December in the preceding year, is called *Caldstream upon Tweed.*

‡ The Scotch commissioners for negociating this truce, were William bishop of Aberdeen, William lord of St. John, Alexander Inglis archdeacon of St. Andrews, Patrick Home of Fast-castle, and William Ker of Cessford. Those from England, were Richard bishop of St. Asaph, John lord of Graystock knight, and John Cartington, esq. Ratifications of this treaty were to be exchanged before the 20th of February; and that of the king of Scotland was to be delivered to Sir William Tyler, or any other commanding at Berwick.

in

Henry VII. K. of England. 1492.

in the beginning of the late war between France and England, invited over to Paris by Charles VIII. the French king, and there received and treated with all the honours due to the name and rank he assumed. The peace with England obliging him to abandon the French court, he retired to that of Flanders; where Margaret pretending, after the most careful scrutiny, to be fully satisfied that he was the real Richard, caressed him as her nephew, appointed him a guard, and heaped upon him every mark of affection and esteem. Many of Henry's secret enemies, and of the devoted friends of the house of York, either entered into correspondence with him, or passed over to Flanders, and joined him openly. Among the other means, which Henry diligently employed to stop the progress of this mischief, he was careful to shut against it the door of Scotland. With this view he sent ambassadors to Edinburgh *, to treat of peace, or a prolongation of the present truce. They had it also in their commisssion, to attempt the cementing of a firmer friendship, by negociating a marriage between the king of Scotland, and a cousin of Henry, Catherine, daughter to Eleanor countess of Wiltshire, who was the daughter of Edmond duke of Somerset, the king's uncle. It would seem, that the proposal of this match, from its not being mentioned in the commission given to those employed by the king of Scotland to treat with the English ambassadors, was not agreeable to that monarch. A truce, however, was concluded for seven years, to be reckoned from the expiration of the late truce of Coldstream; that is, from the last day of April, in the year 1494. The general heads of this treaty differed not from those of the three preceding; but an article was now added, relating to the reparation of wrongs committed on the sea, or fresh water, which had not been settled by the negociations of the late truce. Henry, though extremely covetous, was not sparing of his money, when any great interest required the expending it; and his commissioners, certainly not without the instructions of their master, seem to have bought this truce with Scotland; by acknowledging, that the wrongs committed on the sea and fresh waters by their countrymen, against the subjects of Scotland, did exceed, by a great sum, the amount of damages of that kind, done by the Scots to the subjects of England; and by agreeing, that the king of England should cause payment to be made before the last of July next ensuing, of the sum of 1000 merks sterling, to the king of Scotland, or any empowered by him to receive it, at the tower and place of Wedderburn in the Mers. It was agreed, that the claims of the king of Scotland being by this payment fully contented, there should be a mutual abolition and remission of all injuries, committed by water, down to the day of signing the treaty; and that an abolition of the same nature, of damages

A. D. 1493. May 28. Rym. ib. p. 532.

Ib. p. 534.

* Theſe ambaſſadors were, Richard biſhop of St. Aſaph, Sir William Tyler, Henry Eyneſworth doctor of laws, and John Cartington, eſq. Thoſe commiſſioned by the king of Scotland, to treat with him, were, Sir John Roſs of Montgrenan, Mr John Freſale dean of the king's chapel of Reſtalrig, and clerk of his rolls, regiſter, and council, and Richard Lawſon, clerk of the court of juſticiary. It is ſtrange, that in a commiſſion given, 23d April, before by the king of England, to certain perſons, to negociate a peace or truce with Scotland, it ſhould be ſaid, that the truce then ſubſiſting was only to continue to the 5th of the enſuing October inclusive. Rym. vol. xii. p. 525.

committed

committed by land, should extend to the 24th day of November, in the preceding year. This treaty was quickly ratified by the king of England, and afterwards by the king of Scotland; and Henry, in fulfilment of it, transmitted the 1000 merks to Wedderburn; which were there received, and discharged on the last of July, by persons properly empowered by the Scottish kings *.

James IV. K. of Scotland. 1493.

Ib. p. 547, 548.

In the following year Henry authorised Richard Fox, whom he had lately promoted to the see of Durham, and who was much trusted and employed by him, together with four others †, to meet at Coldstream, or any other convenient place, with commissioners from the Scottish king, in order, if possible, to conclude a perpetual peace, or longer truce between the kingdoms, and to settle the reparations due for mutual damages. A numerous train of ambassadors was also sent this summer by the king of Scotland to the English court. But in Spring 1495, Henry apprehending an invasion of adversaries, both from Scotland and foreign parts, upon the north of England; in order to oppose it, gave a commission to Thomas earl of Surrey, vice-warden of the west and middle marches, under Henry duke of York, the king's infant son, to array and command all able bodied and fencible men between the Tweed and the Trent. The like commission was given to Richard bishop of Durham for the county of Northumberland, bishopric of Durham, and the king's dominions of Tindale and Redesdale, together with the marches and places adjacent to the districts before-named: and, two months after, Henry duke of York, the king's second son, was constituted warden general of all the marches; and having, on account of his tender age, assigned, as deputies and commissioners under him, for the king and himself, with powers to discharge every thing pertaining to the office of Wardenship, Richard bishop of Durham, keeper of the privy seal, Sir William Tyler ‡, captain of Berwick, John Heron of Ford, John Cartington, and —— Radcliff. Thomas earl of Surrey is mentioned in this commission as vice-warden of the marches, under the king and his son Henry; and was in this quality, by himself or deputy, making

A. D. 1494. May 22.

June 15. Rym. vol. xii. p. 554, 555.

March 22. A. D. 1495. Ib. p. 568.

Rym. vol. xii. p. 569.

* The publication of this truce was to be made in eight days after the date of the present treaty, in all places of note near the marches; beginning from Edinburgh in Scotland, and Newcastle in England: and the ratifications were to be delivered before the last of July, for the king of Scotland, to Sir William Tyler at Berwick; and for the king of England, to George Hume at Wetherburn.

Those commissioned by the king of England to carry this sum to Wetherburn, were Geoffrey Elis, one of his chaplains, John Carre, porter of Berwick, and William Herrigate, one of the accomptants of the king's exchequer. They were charged, besides this 1000 merks for indemnification of wrongs done by the king's subjects to those of Scotland, to deliver £50 to the king of Scotland, or his deputies, in the king's own name, and to receive discharges for both these sums. The persons deputed by the king of Scotland, to receive the sum agreed by the treaty, were Henry, abbot of Cambuskenneth, John Fresdale, before mentioned, and George Hume of Wetherburn. Their commission, and a discharge for the 1000 merks, in the name of the king, are both dated at Haddington, on the last of July. But no discharge appears for the douceur of £50 Rym, tom. xii. p. 545, 547, 548.

† These were, Sir Thomas Dacre, deputy warden of the west marches, under Henry duke of York the king's second son, Sir William Tyler captain of the town and castle of Berwick, Christopher Moresby, and John Cartington.

‡ In Perkin Warbeck's manifesto, published on his entering Northumberland with the Scottish army, Tyler is mentioned as one of the low set employed and trusted by Henry.

Henry VII. K. of England. 1495.

ordinances, and concluding terms of agreement with commissioners from the king of Scotland; which establishments the deputies above-mentioned were impowered to enforce, by punishing those that transgressed them. But the apprehension of an invasion from Scotland is particularly manifest, from the powers given to these deputies, to establish and employ watches and scouts to give warning of the hostile incursions of adversaries from that side; the expence of which service was to be defrayed by the king's lieges in those parts, by a voluntary assessment of such reasonable sums as had been usual on the like occasions. The same deputies were also impowered and commissioned to arm and array all fensible men on the marches, between the ages of sixteen and sixty; and particularly those of the county of Northumberland and other places, wherein the deceased Sir Henry Percy, formerly warden of those marches, had exercised this power; and to lead these forces to the defence of the kingdom and marches, and to the rescue, defence, and safe-keeping, of the town and castle of Berwick, whenever this should become necessary. Perkin Warbeck, through difficulties, chiefly thrown in his way by the king of England, had remained in Flanders until he had become a disagreeable guest in that country. The Flemings were provoked at the loss of their profitable commerce with England; which Henry had forbidden, on account of the protection given at the court of the young duke of Burgundy, then sovereign of Flanders, to an open pretender to the English crown. And, in the mean time, Perkin's cause had become almost desperate in England, by the loss of some of his principal friends, whom Henry had put to death; and by the fear and general distrust which these examples, and other arts of the king, had diffused among the rest. Unwilling, however, totally to abandon his pretensions and hopes, he resolved to attempt a descent on England, accompanied by a band consisting chiefly of foreign adventurers, allured by the hopes of booty, or retained by the great wealth of Margaret duchess dowager of Burgundy. But this descent which Henry seems to have apprehended in the northern parts, was in the month of July, attempted without success on the coast of Kent. A small number that ventured to go on shore, from Perkin's fleet, were seized by the people of the country; and, by order of the king, were almost all hung up on gibbets along the English coast, opposite to the Netherlands. Perkin sailed next to Ireland; where his expectations were also frustrated by the wise precautions the king had employed to conciliate the affections of the people of that country, and to draw off, from the side of Perkin, the great earl of Desmond, who had been formerly one of his most zealous partisans.

A. D. 1496.

Thus disappointed in England and Ireland, Perkin and his companions sailed to Scotland, which they found a more hospitable climate. Henry had been endeavouring to secure the friendship of the king of Scots, by offering to him, in the preceding summer, his daughter Margaret in marriage *; and the same

Rym. ib. p. 572 635, 636.

* Richard biſhop of Durham, William of Carliſle, Thomas earl of Surrey, Ralph Neville lord Neville, Sir Thomas Dacre of Dacre, lieutenant of the weſt marches, and Sir William Tyler lieutenant of Berwick, had powers given them, on 23d June 1495, to negociate this marriage, and ſettle all its conditions. The ſame commiſſion was renewed to the ſame perſons, on the 2d of September

same offers were renewed this year, after Perkin was actually received and entertained at the Scottish court. But the recommendations of the duchess of Burgundy, accompanied, as some relate, by those of Charles VIII. of France, and of the emperor Maximilian, were of greater weight than all the instances and offers of the English monarch. The person and address of the young adventurer were also remarkably engaging; and joined to his pathetic relation of his distresses and persecutions, made a deep impression on the heart of a prince illustrious for bravery and humanity. The persuasion, indeed, appears, at that time, to have been very universal, that Perkin was actually Richard duke of York; and James gave a strong evidence of his believing it, by giving him in marriage the lady Catherine Gordon, daughter to the earl of Huntly, a cousin of his own; and a woman of extraordinary beauty and virtue. His council, however, were divided in their opinions, about giving him the aid he supplicated, in order to his entering England, and ascending the throne of that kingdom; but French counsels, and the ancient proneness to a war with England prevailing, a numerous army was raised; at the head of which the king himself, and the pretended duke of York, entered Northumberland. A specious proclamation was emitted by the latter, asserting his claims, recounting his sufferings, reviling the king in possession; and promising halcyon days of good government to his beloved subjects, when, by their faithful services, he should be raised to the throne of his ancestors. But Perkin's coming with an army of Scots into England, and particularly into those parts of it, where the national spite was keenest, was a circumstance very unfavourable to his cause; and this, joined to the examples of severity that Henry had made, and the industry he employed to convince his people, that his rival was an impostor, had such influence, that it does not appear that a single Englishman of consequence came to join Perkin. The Scots, after some delay, perceiving that this was the case, converted their expedition into a plundering inroad; and after having ravaged all Northumberland, returned home with their spoils, upon hearing that a body of English forces was approaching towards them. It is related, that Perkin professing the tenderness of a sovereign for his natural subjects, endeavoured, by his intercessions with James, to put a stop to the rapine of the Scots; upon which the king beginning, by this time, to suspect the imposture, told him, that he was too solicitous about what he doubted was none of his own; and that it would be acting the part of too good a steward for his enemy, to save the country for his use.

James IV. K. of Scotland. 1496.

In the following winter Henry obtained from his parliament a subsidy of £120,000. for defraying the expence of the war with Scotland; a greater sum than ever had been granted for the like purpose. As it was not to be levied, unless the king himself or his lieutenant should march at the head of an army, the king immediately sent the lord Dawbeny northwards, with a considerable body of forces. But he was soon obliged to recal him, by an insurrection in Cornwall, which was occasioned by the heavy tax lately imposed for raising the sum just

A. D. 1497.

tember in the following year. In each of these commissions, any two had a power to act, whereof the bishop of Durham was to be one; and a commission was also given to the bishop alone, of the same date with the latter.

Henry VII. K. of England. 1497.

mentioned; the tinners being easily persuaded by some incendiaries, that it was most unreasonable that they, who inhabited the remotest corner of the kingdom, should bear any share of the burden of repelling a Scottish invasion. As the summer was well advanced before the defeat given to these rebels at Blackheath, the king of Scotland seized the favourable opportunity of entering the English border. He employed part of his forces in ravaging the country; and with the remainder he laid siege in person to the castle of Norham. But Fox, the bishop of Durham, had taken care to put that fortress into a good state of defence, and to furnish it with a stout garrison. He even came himself to the place, and made so vigorous a resistance, as frustrated the utmost efforts of the Scottish king to reduce it; although it suffered considerably in the attack. Fox had taken the same care to secure the other strong places of the country, and either to shut up in *them*, or to remove to natural fastnesses, the cattle and most valuable effects of the inhabitants; so that the Scots had not much more success in their marauding, than in their siege.

Buchanan.

Holingf. p. 289.

In these circumstances the Scottish king having also received intelligence of the suppression of the Cornish rebellion, and of the approach of the earl of Surrey with the forces of the northern counties; thought proper to lead back his army into his own kingdom. Surrey soon followed, and having entered Scotland with a very considerable army *, took the small castle of Ayton; but a negociation for peace being immediately set on foot, put a stop to his farther progress †.

July 4. Rym. vol. xii. p. 677.

The king of England was so intent on his favourite object of peace, that, about the very time his army was entering Scotland, he gave a commission to the bishop of Durham, William Washam master of the rolls, and John Cartington, to negociate and conclude an accommodation with the Scottish king. To open an intercourse, and act as mediator betwixt himself and James, Henry employed Peter d'Ayala ‡, a Spanish clergyman, who was at that time ambassador at his court from Ferdinand and Isabella of Spain. D'Ayala was a man of abilities, and entered with zeal and address into this work; which was probably a part of his commission from his sovereigns. For Ferdinand, the most political prince of his age, although he had concluded a treaty of marriage between Arthur prince of Wales, and his daughter Catharine, could never seriously think of accomplishing it, while a pretender to Henry's crown was entertained and supported by the king of Scotland. James however resisted all the offers and solicitations that were employed to engage him to deliver up Perkin into the hands of Henry; but judging his cause desperate, and perhaps at last persuaded that he was an impostor, he dismissed, in safety, himself, his wife, and attendants, and furnished them with ships to carry them over to Ireland. This obstacle being removed, James nominated commissioners to treat with those from the king of England; and D'Ayala acting as mediator in the treaty, a truce was concluded for seven years, commencing

Sept. 17. Rym. vol. xii. p. 678.

* Stowe seems to say, that this army entered Scotland in July. Stowe, p. 479.

† Some writers ascribe his retiring so soon to stormy weather. Drummond, Bacon.

‡ He is styled Apostolick Protonotary.

from

from the 30th of September; the indentures whereof were on that day subscribed in the parish church of Ayton. James IV. K. of Scotland. 1497.

The principal articles of this treaty were the same with those of the short treaties concluded since 1491; but in some particulars it was more explicit, and some things in it were new. The mutual protection to be given to those sailing and trading by sea, which, in the treaties just referred to, is agreed to be the same that was usual in the times of former truces, was by this, ordained to be the same with that which was agreed in the truce of 1464, between Edward IV. and James III. The article also concerning the punishment of the violaters of the truce was rendered more explicit, in cases where the guilt was of the more heinous or notorious kinds. Manifest and notorious murderers were ordained to be committed to prison by the wardens, and to be there detained for twenty days immediately following the day in which the crime was perpetrated; and if, within that time, the murderers or their friends should not have made an agreement and final composition for the death of the person slain, with those who were nearest to that person in blood, the wardens should, in that case, on the expiration of the above-said period, put the criminal to death. In like manner, infamous thieves, robbers, or other malefactors, *catched* with the goods they had stolen, or apprehended in the act of mischief, or with other recent evidences of their crimes, were, without farther trial, appointed to be punished capitally, by order of the wardens of the marches where such crimes were committed; whether they were laid hold on in the kingdom where the fact was done, or in either of the kingdoms; provided always the pursuit of such malefactors had been recent. Other violators of the truce were appointed to be severely punished, according to ancient custom. As to criminals who fled for shelter, or in hope of aid from the one kingdom to the other, the article concerning them, in this treaty, bore, that all traitors, rebels, murderers, thieves, infamous robbers, or other malefactors, in such circumstances, should not be entertained in the dominions of either of the princes; but in twenty days after authentic information given concerning the characters of such persons, by letters of the king from whose dominions they had fled, or of his warden of the marches, or the lieutenant of the latter, the other king should either deliver them up, or banish them for ever. And it was farther agreed, with a view, no doubt, to Perkin, that neither of the kings should give counsel, aid, or favour, to any of the notorious rebels or enemies whatsoever of the other; but with a salvo of such safe-conducts as either of the kings had already granted; which, notwithstanding of this article, were to continue in full force. It is probable, that some of Perkin's followers, in order to secure themselves from the consequences of their rebellion, now that their cause began to appear desperate, had become lieges to the Scottish king; for, in the article which this treaty hath in common with several preceding ones, whereby those who had thus transferred their allegiance, were bound to the same observation of the truce, as if they had been originally subjects of the king to whom they had transferred it, the fugitives from England, who had become lieges of the king of Scotland are first mentioned, and the regulation particularly applied to them; and then the same is declared to extend in like manner

Above, p. 460, 461.

Above, p. 455.

Henry VII. K. of England. 1497.

manner to fugitives from Scotland into England; wherein there is an inversion of the order observed in all the preceding treaties, where this article had place. In the treaties since 1491 inclusive, there had been no particular appointment of conservators of the several truces; and it is reasonable to suppose, that the wardens, admirals, and other ordinary officers under them, were considered as invested with this charge, agreeably to what was expressed in the treaty of 1486. But, in the treaty now before us, there is not only a list of conservators nominated and deputed by each king *, but their charge is more particularly declared than in any preceding treaty; and this material alteration is made, that instead of one, as in former treaties, two were now made necessary to discharge the duty of their office. These conservators or deputies, on either side, had full power and unlimited jurisdiction to order and compel the reparation and redress of all sorts of injuries and wrongs, past or future, committed either by the captains or lieutenants of the marches, or their deputies, or by the subjects of either kingdom, contrary to the tenour of the present truce. They had likewise power to fine and punish the captains, lieutenants, and their deputies, aforesaid; and also to imprison and punish, capitally, all manner of malefactors, according to the exigency of the case and crimes committed: and these conservators, or two of them, when commanded or required by the aforesaid princes, or either of them, or by the wardens of the marches, or their lieutenants, were appointed, without delay, to repair to those places, where the redress sought after might be most conveniently ordered or made.

Above, p. 454.

There was an article in this treaty, by which certain matters still in dispute between the kings, and which could not be settled by their commissioners, were referred to the determination of the king and queen of Spain. The historians of those transactions relate, that the English commissioners strenously insisted on redress for the waste and rapine committed by the Scottish army on the county of Northumberland; as having been done in manifest breach of the late truce. The Scottish commissioners were equally positive, on their part, that such reparation was utterly impracticable; and even endeavoured to throw the blame of the violation of the truce on the English. D'Ayala had the address to procure a submission of this difference to his king and queen†. He had also obtained from them the character of ambassador to the king of Scotland; and these latter gained so entirely the confidence of that monarch, that he was appointed by him his sole commissioner, to negociate and conclude, with any having powers from the king of England, a prolongation

Bacon, Drummond.

Rym. vol. xii. p. 679.

* The English commissioners were, Richard bishop of Durham, William bishop of Carlisle, Richard lord of Neville, knight; John Baron of Graystock, Sir Christopher Moresby, and John Cartington. Those of Scotland, William bishop of Aberdeen, George of Whithern, William lord Borthwick, George lord Seton, Sir Patrick Hume of Fast-Castle, and Master Richard Lawson.

† The instrument of submission made by Henry (Rymer, vol. xii. p. 671.) bears, that what the king agreed to submit to the arbitration and judgment of the king and queen of Spain was, *the cognizance and cause of the violation, breach and dissolution, of the last truce between himself and the king of Scotland.*

of

of the late truce, and to act as an arbiter, for settling as many as he could of those points in dispute between him and the king of England, which had been agreed to be remitted to the king and queen of Spain; still reserving any that remained undecided to the arbitration of these princes. How the other matters in question were settled doth not appear; but the king of England, having empowered Warham keeper of his rolls, to negociate with D'Ayala the prolongation of the late truce, it was accordingly, in its whole tenour, prorogued by these commissioners to the joint lives of the kings, and a year after the death of the survivor †.

James IV. K. of Scotland. 1497.

Dec. 5.

In the summer of the year 1499, the English king sent Mr Robert Rydon, clerk of his council and vice admiral, in the character of his ambassador and plenipotentiary into Scotland; with whom the Scottish king authorised Andrew Forman, apostolic protonotary and prior of May, and Mr Richard Lawson clerk of his justiciary court, to treat, concerning the amendment of certain articles in the late truce, or the addition of such new articles or clauses as appeared necessary. The ordinary powers were also given on each side, to renew the whole treaty. Accordingly a new treaty was concluded for the same period as the former: and from the tenour of this treaty it sufficiently appears, what articles in the preceding were thought to require alteration. In the first place, that relating to rebels or traitors against either of the princes, was rendered more express and severe than before; and this change would the more easily be consented to by the king of Scots, as Perkin Warbeck was a close prisoner in the hands of the king of England. It was now agreed, that rebels or traitors against any one of the princes should not be received into the dominions of the other; and, in case of their flying thither, should, in twenty days after requisition made by letters, be delivered up to the bearer of these letters, or to such other as should in the letters be named and deputed for that purpose. As to murderers, thieves, robbers, deserters, or other malefactors, who should fly from the one kingdom to the other, all shelter, favour, counsel, or aid, was in like manner to be denied them in the kingdom to which they had fled; and they were to be delivered up, in ten days after requisition made by letters from their natural sovereign, or from his wardens, lieutenants, or their deputies, either to the bearer of such letters, or to any other person named and deputed in the letters for that effect. The next article of this truce declares, that all letters of safe-conduct heretofore granted by one of the princes to the rebels of the other, or to any of his subjects, for any limited time, or for term of life, should from the day of signing the present treaty, be revoked and annulled; and that no such safe-conducts should, during the period of the present truce, be granted by either of the princes to any rebels or any subject whatsoever of the other prince, unless in consequence of a written requisition of the latter; which requisition the prince to whom it was addressed should be at entire liberty either to grant or reject, as to himself should appear expedient; and that, in no case, such letters of safe-conduct should be granted to continue longer in force than for one year. A change was also made in the article relating to the punishment

A. D. 1499.

July 12. Rym. vol. xii. p. 722.

* This truce was ratified by James at St. Andrews, 5th February, 1498.

of

* Henry VII. K. of England. 1499.

of murderers; which, by this treaty, was during the continuance of the present truce, to be in the manner following. If any of the subjects of the kingdom of England should hereafter violently put to death any of the subjects of the Scottish kingdom, within the marches of England, or the limits of the marches of Scotland, the warden of the English marches, his deputy or deputies, should, with all possible diligence, pursue the guilty persons; and when apprehended, should carry them to a diet, to be appointed by the wardens of each march, or their deputies; at which the criminals, being lawfully convicted, according to the laws of the marches, should be delivered up by the English warden to the Scottish; and, by authority of the latter, should suffer capital punishment: and, in the same manner, making the respective variations, were those subjects of Scotland to be treated, who within the marches of Scotland, or the bounds of the marches of England, should commit murder on any English subject. There is an appointment of conservators in this truce *, and the same powers given them as in the former; and the other articles of the treaty agree with those of the five preceding.

July 20. Buchan. l. 13. p. 246, 247; Lesl. p. 328. Holingsh. E. C. 785. Drumm. p. 68.

This treaty was drawn up and signed by the plenipotentiaries of the two kings, in the castle of Stirling; and, at the same place, was ratified by the king of Scotland, eight days after. But an unhappy accident, which, probably fell out about this time, had almost broke the peace which seemed now to be so firmly established. The intercourse between the kingdoms being open and secure, certain young men from the Scottish border had gone to visit their acquaintances at Norham. But having discovered too much curiosity in observing the castle, a quarrel arose between them and the keepers, which, from angry words, proceeded to a rencounter; wherein some of the Scots were wounded and slain, and the rest obliged to fly for their lives. Complaints instantly were made of this outrage to the English wardens; but the expected redress being by them, on some pretence, delayed, the Scottish king sent one of his heralds † to the king of England, to demand satisfaction; or, if this should be refused, to denounce war. Henry's return to this message was full of condescension and equity. He declared, that, as what had happened was without his knowledge or orders, he would instantly order the matter to be inquired into, and the soldiers of the garrison to be punished, according to their demerits. Fox bishop of Durham was an excellent second to his master in words and measures that tended to peace. And as in the present case the offence had arisen from the bishop's castle, he thought himself bound to exert himself the more, in putting a stop to its mischievous consequences. He wrote, therefore, letters to James in so conciliating and persuasive a strain, that the monarch requested a personal interview with him, that by an amicable conference, they might try to terminate the strife. The bishop having obtained the permission of his own sovereign, passed over to the Scottish king at Melrose; where the latter having first expressed, in terms sufficiently severe,

* The lists of conservators are also the same on both sides as in the last truce; only the lord Neville is omitted in that of England.

† Marchmont Herald.

his

his resentment at what had passed at Norham, did afterwards open to the bishop, his project and desire of establishing a sure and perpetual peace between the kingdoms, by obtaining from Henry, his eldest daughter in marriage, agreeably to what had been proposed four years before. In order to the accomplishment of this good work, James entreated the intercession of the bishop with his master, which the bishop very cheerfully consented to employ. Nothing could be more agreeable to Henry than this proposal; and immediately after ratifying the late truce *, he gave full powers to the bishop to negociate with the Scottish king, or any deputed by him, all the conditions of the projected alliance. As the truce concluded at Stirling was not ratified by the king of England, until seven weeks after it had been ratified in Scotland, it is most probable, that the disturbance at Norham had happened in the interval, and been the occasion of this delay †.

James IV. K. of Scotland. 1499.

Sept. 11. Rym. vol. xii. p. 729.

The great negociation for the near relation of the two monarchs, and a perpetual peace between the kingdoms, which was begun at the time and with the circumstances just related, was not brought to a period till near two years after. In summer 1500, a dispensation was obtained from Pope Alexander VI. on the request of the English king, for concluding his daughter's marriage; notwithstanding her age, which was then about ten years and six months, and her relation to the king of Scotland, which was in the fourth degree of consanguinity. In the year following, Robert Blakater ‡ archbishop of Glasgow, Patrick earl of Bothwell, great admiral of Scotland and warden of the west marches, and Andrew Forman, postulate of the cathedral church of Murray §, were sent ambassadors to the court of England, with full powers to negociate and conclude the projected treaties of marriage and peace. The persons commissioned by the king of England to treat with them were, Henry archbishop of Canterbury || keeper of the great seal, Richard bishop of Winchester keeper of the privy seal, and Thomas earl of Surrey treasurer of England. In the beginning of the following year, these commissioners completed their work, by drawing up and signing three different instru-

Rym. ib. p. 765.

A D. 1501.

A. D. 1502. Jan. 24. Rym. vol. xii. p. 787,—804.

* This truce was ratified by Henry at Winchester, September 8, as appears from the original treaty in the Scottish archives quoted by Abercromby, vol. ii. p. 508.

† This is the conjecture of Abercromby; who is not correct in his account of some other circumstances of these transactions. Aberc. vol. ii. p. 508.

‡ Blakater was the first archbishop of that see, by a bull of Pope Innocent VIII. A. D. 1491. He built the vaulted isle of the church of Ederham. Lesly, who extols his piety, relates, that he died on a pilgrimage to visit the holy places at Jerusalem, on which pilgrimage he set out in summer 1508. Lesly, p. 349. He died on the 28th of July. Keith's Sc. Brit. p. 151.

§ So is Forman entitled in the commission dated 8th of October, (Rym. vol. xii. p. 777.) In a safe-conduct granted to him and his two colleagues by the king of England on the 9th of May, he is called Apostolic protonotary and prior of May. (See above p. 471.) The duke of Albany, governor of Scotland, celebrating in a letter to Pope Leo X. the merits of Andrew Forman, has probably his service in this great affair in view, when he says of him, *Superioribus annis regni hujus legationes feliciter explevit, ferrum e manibus excussit, Britanniæ regis concordes e mediis armis junxit.* Epp. R. S. p. 217, 218.

|| Henry Dean, who had lately succeeded Morton, who died in the preceding October: Richard Fox, the same who was formerly bishop of Durham, had also lately succeeded Thomas Langton in the bishoprick of Winchester. Stowe, p. 482.

Henry VII. K. of England. 1502.

ments; the first, containing the stipulation and conditions of the marriage; the second, the articles of a perpetual peace; and the third, regulations for the redress of mutual wrongs. By the first of these it was agreed, that the marriage should, before the feast of Candlemas next ensuing, be contracted between the king of England or his proxy, and Margaret, who had only completed her twelfth year on the 29th day of the preceding November. On account of this defect of age, the king of Scotland was not to require her to be delivered to him sooner than the first of September of the following year; but the king of England at the same time obliged himself, that before that day she should be conducted into Scotland, and delivered to her husband, or any empowered by him to receive her, at the kirk of Lamberton, or some other place on the east marches, in order to the solemnization and consummation of the marriage. The queen's jointure was to be 2000*l.* sterling, at that time equivalent to 6000*l.* Scots; and the writings conveying and securing this, were to be delivered at Berwick to her father, or such as he should empower to receive them, before the first of July in the year last mentioned. Her dowry was 30,000 nobles of gold, or 10,000*l.* sterling, to be paid in three equal portions; the first payment to be made at Edinburgh, at the time of solemnizing the marriage; the second, a twelvemonth after at Coldingham; and the third at the same place, in the end of the year immediately succeeding; and in each of the two last mentioned payments, the king of Scotland was engaged, at his own risk, to secure the conveyance of the money, by those employed by Henry for that purpose, in their passage from Berwick to Coldingham. In the treaty of peace, it was in the first place declared, that it should be perpetual. Then follow the articles concerning rebels, traitors, and deserters, flying from the one kingdom, and seeking refuge in the other; which, though expressed with greater pomp and multiplicity of words, are in substance the same as in the truce last concluded. In case of war made on either of the princes by foreign or domestic enemies, it was agreed, that the other should send to his aid such forces in number and quality as the prince attacked should require to be maintained at the expence of the prince who demanded them, and to receive from him the wages usually paid them by their own sovereign. With regard to the town and castle of Berwick, it was agreed and concluded *, "That these, with their ancient "bounds and the inhabitants thereof, should for ever remain and be included "in the present perpetual peace, friendship, league, and confederacy; so "that neither the king of Scotland, his heirs or successors, nor any of them "should, by themselves, or any of their subjects, lieges, or vassals, make or "suffer to be made, war, insult, ambush, or siege, publicly, or privately, "against the places themselves or their inhabitants; nor the king of Eng-"land, his heirs, successors, or any of them, should, by themselves, or the in-"habitants of the town and castle, make any war, insult, or siege, on the "king of Scotland or his vassals." It was agreed, that the allies of each prince agreeably to a list inserted in the treaty, should be comprehended in

* This article relating to Berwick, is of a very different contexture from the resignation of it made by Edward Baliol to Edward III.

it;

James IV. K. of Scotland. 1502.

it*; if in eight months after its date, they gave authentic notice that they desired to be thus comprehended. And with regard to these allies, it was agreed, that in case either of the princes should engage in a war against the ally of the other, the prince whose ally was attacked, should not on that account hostilely invade his neighbour's dominions; but that it should be lawful for him to afford to his own ally, succour and aid merely of a defensive nature; the peace nevertheless remaining firm and inviolate. It was farther agreed, with regard to this peace, as it hath been with regard to the truces preceding it, that it should not be broken nor annulled by trespasses or wrongs, committed against it by individuals of either nation, but that all such injuries should be redressed; and when, upon due requisition made, reparation was not ordered by the wardens of the marches or their lieutenants; then the prince, whose subject complained of suffering wrong, should require of the other that justice should be ministered, and damages repaired. When this was refused, a method was established of obtaining redress, without breaking the peace, which appears for the first time in this treaty; and that was the liberty of granting *letters of reprisals*. In case that the prince who was required to order redress, should delay it for six months after the requisition had been made, the other prince should not thereupon commence war; but it should be lawful to him, when such refusal of justice was evident, to grant letters of reprisals to his injured subjects, against all the inhabitants of the march, if the trespass had been committed by land; and if by sea against the ports and their creeks, with the towns and villages on the shores of these ports and creeks, and the inhabitants thereof; wheresoever the author of the trespass or wrong resided, at the time when it was committed, and not against any others: the peace being by these proceedings nowise derogated from, but continuing in its full vigour. The other heads of this treaty were less material; consisting chiefly of provisions for giving it stability and duration: the publication of all the articles thereof, or at least of their tenour and effect, was agreed to be made within three months after the date of the treaty, in the more considerable cities and towns of each kingdom, and especially in the places of note on their marches. In the instrument for regulating the redress of wrongs, the articles of the truce of 1499 were almost copied; but yet with some variations and additions. Malefactors flying their own kingdom and seeking refuge in the other, were appointed, as before, to be sought out and delivered up by the wardens, their lieutenants or deputies, in the kingdom to which they had fled, on certification and requisition made by letters of the like officers in the other kingdom. This delivery was to be made in ten days after it was required, if the fugitives were not more than a hundred miles distant from the marches; if otherwise, within twenty days. To this a regu-

* The allies of the king of England were, the king of the Romans, Lewis XII. king of France, the kings of Spain, Portugal, and Denmark; the archduke of Auſtria, the dukes of Venice, Ferrara, and Savoy; alſo the ſociety of the merchants of the Hanſe towns. Thoſe of the king of Scotland were, Lewis king of France, John king of Denmark, the king of Spain, the king of the Romans, the archduke of Auſtria, the dukes of Gueldres, Holſtein, and Clive, and the marquis of Brandenburgh.

Henry VII. K. of England. 1502.

lation was added, for enforcing the performance of this part of their duty on the wardens, their lieutenants or deputies. When either in the search or delivery of malefactors, these officers should be found culpable or negligent by commissioners of each king, appointed to inquire into their conduct, the prince, whose officers were thus convicted, should not only deprive them of their charges, but farther punish them, as his honour and conscience should dictate, and in proportion to the guilt of those whom they had screened and protected; at the same time employing, according to honour and conscience, his own utmost diligence to bring such malefactors to justice. The prosecution and trial of murderers was fixed as by the last truce; but with this remarkable variation, that instead of a positive appointment, that the officers of their own marches should put them to death, it is here only said that these officers might do so *. The liberty of issuing letters of reprisals, in case of refusal or delay of justice, was again ordained in this instrument; which, in all other regulations, conducing to its general scope, coincides with the short truces of the preceding years.

Jan 25.

On the day after all these treaties were signed, the conclusion of them, and the actual affiancing of the princess Margaret to the king of Scotland, represented by the earl of Bothwell his proxy, was published at St. Paul's Cross; and the publication was followed by general rejoicings. A league of perpetual peace between the kingdoms, after so many fruitless attempts to accomplish it, and after a series of strife and animosity, never long discontinued, for more than two hundred years, was considered as a thing almost impossible. But it was never undertaken by a prince of so great abilities, and who at the same time had set his heart so much on peace as Henry. And what contributed most of all to make his endeavours effectual, was his cultivation of peace with France during the reins both of the present and late king of that nation. By this means, although it was always the policy of the French court, it became less their immediate concern, to prevent a strict union between the kingdoms in this island: at this time also their great object was the making conquests in Italy; an enterprise in which they had never any lasting success, and which had often diverted them from things that better deserved their attention.

Holingf. p. 290. Sc. Chr.

Although the treaties concluded in January were soon after confirmed by the oaths of both kings, yet the ratification of them were not exchanged, until the ensuing month of December. The king of Scotland † was in the interval earnestly solicited by his father-in-law, to refuse or supersede the confirmation of the ancient league between Scotland and France. To this James did not entirely consent, but promised a delay, until he should have a personal interview with Henry, or acquaint him with his resolution, after being farther advised; declaring, at the same time, that he perceived no good reason for this

Rym. vol. xiii. p. 12.

* "Qui gardianus ejuſve locumtenens vel locumtenentes, deputatus vel deputati, ipſum homicidam vel homicidas, ſic ut ſupra convictum vel convictos, et ſibi conſignatum vel conſignatos, pro hujuſmodi homicidio, ultimo ſupplicio demandare poſſit." In the truce of 1499, it was *qui gardianus*, &c.—ultimo ſupplicio *demandabit*.

† This appears from James's anſwer to a letter from Henry, which Andrew Forman biſhop of Murray ſent to his maſter by Sir John Hume of Duns. Rym.

delay,

James IV. K. of Scotland. 1502.

delay, nor that his confirming the French alliance could be any way prejudicial either to the king of England or himself. From this it would seem, that the French, although too late, were endeavouring to throw difficulties in the way of completing the friendship and union of the British sovereigns. They had also raised a scruple in James's mind, which discovered itself, on his renewing his oath to observe the treaties with England, previous to the exchange of the ratifications of these treaties. He objected on this occasion to the giving to his father-in-law the title of *King of France*, which he declared, was a circumstance he had not attended to when he took and subscribed the oath in February preceding, but at the same time expressed his willingness to renew his oath to the effect of confirming the treaties, whensoever he should be required by his father the king of England *. Henry's commissioners for witnessing this oath, who were the lord Thomas Darcy captain of Berwick, and Henry Babington professor of divinity, consented to allow the omission of the title objected to; and accordingly it was not included in this second oath. All other matters previous to the marriage appear to have proceeded easily, and were finished in due time. Seisins were given, in the end of the following May, to commissioners from the English court acting in name of the young queen, of the several places and states †, assigned for her jointure of 2,000*l.* *per annum*, which were ratified by James on the 6th of June. Ten days after, the king of England set out with his daughter on her journey to Scotland, and accompanied her to Collieweston in Northamptonshire, the seat of his mother the countess of Richmond. After spending some days there, she proceeded in her journey, under the care of the earl of Surrey, accompanied with a splendid retinue of English nobility and gentry. The earl of Northumberland, warden of the east marches, joined the cavalcade upon its entering his territories. Thus conducted and accompanied, the young queen passed through Berwick, and arrived at the kirk of Lamberton, situated at a small distance from the march between Scotland and Berwick bounds ‡. There her husband, accompanied with a gay and numerous court, was ready to receive her, and

Ib. p. 43.

Ib. p. 62. A. D. 1503.

* Henry ratified the treaty, and took an oath to obſerve it at Weſtminſter 31ſt October, as appears from deeds in regiſter at Edinburgh. Aberc. vol. ii. p. 514. The king of Scotland's ſecond oath is dated December 10th, and his ratification of the treaties December 17th. Rym. ib.

† Theſe were the king's lordſhip of the foreſt of Etterick, together with the foreſt of Eterick itſelf, in the ſheriffdom of Selkirk, with the tower, fortreſs, or manor of Newark, in that foreſt; the county of March, and lordſhips of Dunbar and Coubrandſpeth, with their dependencies, (excepting the caſtle of Dunbar and its cuſtody, reſerved by the king to himſelf), lying in the conſtabulary of Haddington, within the ſheriffdom of Edinburgh; the palace of Linlithgow, and lordſhip of Linlithgowſhire; the lordſhip of Stirlingſhire and caſtle of Stirling, with their dependencies; the earldom of Monteith, and lordſhip and caſtle of Down, with their dependencies, in the county or ſheriffdom of Perth, and the palace and lordſhip of Methven in the ſame county; the revenues of which are ſaid to amount to 2000*l.* ſterling, or 6000*l.* current money of Scotland, of yearly rent, clear of all burdens and expences whatſoever. Seiſin of the earldom of (Dunbar, which ſeems from this to be altogether ſynonymous with the earldom of March) and lordſhip of Cowburnſpight (ſo ſpelled), was given to Robert Sherburn dean of St. Paul's, one of the queen's attornies in theſe tranſactions. The others were, Thomas lord Dacre, John Cartington, and Richard Errington, at the market-croſs of the borough of Dunbar, on the 29th of May. Rym. ib. p. 66.

‡ This kirk has been long ago demoliſhed, and its pariſh annexed to that of Mordington.

con-

Henry VII. K. of England. 1503. Auguſt 8.

conveyed her, on the same day, to Dalkeith. Thence she proceeded to Edinburgh on the day following, where the marriage was celebrated with great pomp and festivity: a marriage deserving ever to be remembered, as proving the foundation of a real and lasting union between the kingdoms; although by consequences so slow and remote, as point out a direction superior to the utmost stretch of human policy.

A. D. 1504. Rym. ib. p. 92, 93.

The Scottish parliament, in the following year, confirmed the settlement of the queen's jointure; and the payments of her dowry were regularly made at the terms appointed by the treaty *: great attention seems to have been given by both monarchs to observe all the other articles of this treaty, and although some offences were given, yet the peace continued inviolate, during the remainder of Henry's life, which came to an end in somewhat less than six months after Margaret's marriage. The year before his death, he contracted a marriage of his other daughter Mary, with the young Archduke Charles, prince of Castile and Burgundy, afterwards the Emperor Charles V. †; and by this alliance added to the former, he flattered himself, as he expressed it in a letter to the city of London, that he had built a wall of brass around his kingdom. He died of a lingering distemper, leaving his son Henry VIII. his kingdom, in peace, and his coffers full of treasure, most of it the fruits of rapacity and oppression.

A. D. 1509. April 22.

Henry VIII. K. of England. June 29. Rym. vol. xiii. p. 261, 267. Buchanan. Abercromby. Drummond. Herbert, H. 8.

Soon after the accession of young Henry, the treaty of peace between the two kingdoms was ratified, and each monarch swore to the faithful observation of it ‡. The king of Scotland from the time of his strait union and good intelligence with the king of England, had, with no inconsiderable success been cultivating the arts of peace. He repaired and embellished his castles and palaces, and in the splendour of his court exceeded all his predecessors. He improved the administration of public justice, and extended it to the wildest and remotest parts of his dominions. He also increased his strength at sea by building several ships, some of them of an uncommon magnitude. He is farther celebrated for his activity and diligence, in repressing and punishing the excesses of the borderers. But to preserve peace between nations, in whom the spirit and habits of strife were so strong, and the occasions of it so frequent, as between the English and Scots, required a concurrence of circumstances and characters too extraordinary to be of long continuance. The young Henry was in the beginning of his reign a prince of great hopes; but his conduct soon exhibited a character very different from that of his father. He was addicted to pleasure, but at the same time not insensible of the allurements of ambition; and the old fox Ferdinand of Spain, his father-in-

* The commiſſion to make the laſt payment of this dowry at Coldingham, was given to John prior of Tinmouth, William Cope cofferer of the king's houſhold, and Chriſtopher Clapham porter of Berwick.

† Charles was born 24th of February 1500. His father Philip died at Burgos in 1506. Philip was king of Caſtille by his mother Johanna, daughter of Iſabella.

‡ In the oath taken to this effect, firſt by Andrew Forman, James's ambaſſador, and afterwards by the king himſelf, the title of king of France is given to Henry. The ferocity of Henry's youth, and his opinion, that his right to the crown of England with all its claims, was much better than that of his father, may account for his not diſpenſing, as his father had done, with James's joining to his other titles that of king of France.

law,

law, soon engaged him to be a party in quarrels on the continent, wherein Henry had very little concern. The great fomenter of the wars of that period was Pope Juluis II. * a man wholly abandoned to his ambition and resentment, and in pursuing the objects of these, utterly contemning even the appearances of truth and justice. As his undertakings were far beyond his strength, and his allies, Maximilian and Ferdinand, were no less false than himself, he was reduced to great straits by Louis XII. of France, who, had it not been for the scruples of his queen, would have made a conquest of all his territories. But, instead of proceeding to the last extremities in the way of violence and arms, Louis attempted to subdue him by procuring a general council to be summoned at Pisa †, for reforming the church in its head and members. The Pope thus distressed, invoked the aid of all the other states of Christendom, against the French king, and fulminated against that king himself and his kingdom, a sentence of excommunication and interdict. For a while it agreed with the private views of Maximilian and Ferdinand, to appear on the side of the Pope; and the united instances of all the confederates were exerted to work upon the ambition and zeal of the English king. The present opportunity was represented, as most favourable for reviving and making good his claim to the possessions of his ancestors in France; and Louis's being at once attacked on different sides by the Pope and his allies, was held forth to him as the certain mean of delivering the head of the church from the oppression of that monarch and his schismatical adherents. By these motives, Henry was engaged in a league for carrying on this pretended holy war; and in 1512, sent over an army in transports, furnished by Ferdinand, to attack the province of Guienne. But the real object of Ferdinand, was to acquire to himself the kingdom of Navarre; which he accomplished by putting the English army between his own and that of France, until he had seized the dominions of his poor and helpless neighbour. But although the English forces returned home in the end of the year, greatly discontented, and much reduced in their numbers, yet Henry persevered in his attachment to the pretended cause of the church, and in his project of recovering the ancient dominions of his crown in France. Accordingly in the year following, a new expedition was undertaken into the northern parts of France, and Henry passing over to Calais, commanded his army in person.

James IV. K. of Scotland. 1509.

Henault.

A. D. 1511.

A. D. 1512. June 30.

These proceedings of Henry against France, as had often before happened in like circumstances, were the real cause of a rupture between England and Scotland. The English monarch, by breaking his father's peace with France, which he himself had solemnly renewed, after his accession to the crown, set his brother of Scotland a bad example, and, at the same time, gave him just ground of alarm. The combination of Henry, with the powers of the continent, against France, had a formidable appearance; and its tendency was to destroy, or greatly to weaken a kingdom, to which Scotland had been for ages closely allied; and which was the surest support of its favourite independency against the attempts of England ‡. Henry VII. for the sake of a lasting

* Julius was Pope from 1503 to 1513. † This council met in 1511.

‡ James writing on this subject to his uncle John king of Denmark, says, "Et profecto no-

"bis

Henry VIII. K. of England. 1512.

lasting peace, had indeed been content to sink in oblivion all the ancient pretensions of England to sovereignty over Scotland; but the experience of former times had sufficiently shewn how apt such claims were to be revived by the ambition of particular monarchs, when prompted by circumstances and opportunities that appeared favourable. Considerations of this kind were urged with so much efficacy at the court of Scotland, that, in little more than a month after Henry had ratified his league with Ferdinand, for assisting the Pope, and invading France, the ancient league between France and Scotland was renewed at Edinburgh; wherein the article that bound the two kings, to give mutual aid against each other's enemies, was expressed in the most ample and unrestricted manner *.

March 16. Abercromby, vol. ii. p. 526. from E. Winton's MSS.

The treaty of peace, between Scotland and England, allowed each king to give aid to his other allies, although these were engaged in war with his neighbour sovereign; but, in giving such aid, forbade any hostile invasion of each other's territories. It was therefore necessary, to justify James in his meditated invasion of England, that the treaty should be found to have been made void by infractions of it, on Henry's part, which Henry had refused to redress; and such violations were actually imputed to Henry by the king of Scotland. In the third year of Henry's reign, two Scottish ships commanded by Andrew Barton, were suddenly attacked, as they passed near the Downs, by the same number of English vessels, under the command of Sir Edward Howard, created next year *lord admiral* of England, and Thomas his elder brother, both sons to the earl of Surrey †. After a very obstinate resistance, wherein Barton was mortally wounded, the Scottish ships were taken, and their crews carried prisoners to London; where, after remaining a short time, they implored, and obtained Henry's pardon; but were ordered to leave England in twenty days, on pain of death. Barton had some time before obtained letters of marque from the king of Scotland against the Portuguese; upon their refusing to make reparation for a rich ship, which a small fleet of theirs, on the coast of Holland, had taken from Barton's father, during the reign of James III. In consequence of these letters, Barton had made several captures of the ships of Portugal, on the coasts of their own country ‡; and was accused

Auguſt 1511. Hall. f. 15. Herb. p. 7. Leſl. 355. Buch. l. 13.

" bis conſultum non eſſet, nec ſatis ſecurum, Anglos Franciam armis occupaſſe. Nec dubium " quin capta Gallia ad occupandam Scotiam et proxima deinde regna ſubito diverterent." Epp. RR. Sc. 1. 171.

* " Whereas, formerly, the kings of Scotland and France were only obliged to aſſiſt one " another, in oppoſition to the Engliſh, or ſuch as others ſhould offer to invert the hereditary " right of ſucceſſion to their reſpective crowns, they became now bound to aid and aſſiſt one " another; and even in perſon, if occaſion ſhould require it, againſt all who may live and die."

† This exploit of the Howards is celebrated in a notable old ſong, publiſhed in Dr Percy's Collection, vol. ii. p. 177—193. According to this ſong, Barton's ſhip made afterwards the ſecond of the royal navy of England.

‡ This is either erroneouſly related by hiſtorians, or Barton's captures from the Portugueſe had borne no proportion to the loſs of his father; for there were afterwards repeated applications, during the reign of James V. to the court of Portugal on this ſubject; which, failing of ſucceſs, letters of repriſals were iſſued to John Barton, grandſon of the firſt ſufferer, by James earl of Arran, governor of Scotland, 1ſt Nov. 1543. App. RR. Sc. vol. i. and ii. particularly vol. ii. p. 166.

of

James IV. K. of Scotland. 1511.

of having seized and plundered some English ships in the narrow seas, on pretence of their having goods on board that belonged to the Portuguese. These exploits were considered as encroaching on the king of England's authority over the narrow seas, and procured to Barton, from the English traders, the name of a pirate; and, as such, the two Howards had received orders to attack him, whenever they could find him. When James, on this occasion, complained of the violence committed against the lives and properties of his subjects, he could have no other answer, than that it was unreasonable for him to charge his ally with breaking the peace, on account of his destroying a pirate. But, as the Scottish king could not admit that Barton deserved this character, he retained a deep resentment of the violent proceedings against him. Another cause of complaint was given, while Henry VII. was yet alive; and remained still unredressed. This was an outrage committed on the person of Sir Robert Ker, at a meeting on the marches. Ker was in high favour with his sovereign; being his principal cup-bearer, master of his artillery, and warden of the middle march towards England. In the exercise of the last-named office, his inflexible rigour, in exacting and dispensing justice, kindled the resentment of many, both Scots and English. A fray arising at a march-meeting, Ker was cruelly murdered by three Englishmen, John Heron, Lilburn, and Starhead*. Heron and Starhead made their escape; but Lilburn, being apprehended was delivered up to the Scots; and for their farther satisfaction, Heron, the lord of Ford, and warden of the English march, whose bastard-brother the murderer seems to have been, was also put into their hands. Both of these were shut up in Fast-castle, where Lilburn died. Thus matters continued until the beginning of Henry VIII's reign, when the two fugitives, Heron and Starhead, began to appear publicly; hoping that the times would soon become more favourable to men of their character; Heron, confiding in the power of his kindred, made no scruple of being seen openly at home; and did what he could to break the peace between the kingdoms, by sending forth robbers into the Scottish borders. Starhead chose his habitation at a considerable distance from the march; but this only exposed him to be attacked with less suspicion by two dependents† of Andrew Ker, the son of Sir Robert; who, passing into England, murdered Starhead in his house, and brought back his head to their master, who exposed it to public view in one of the most frequented places of Edinburgh. But besides open acts‡ of violence, wherein

Buchan. l. 13. Holing. Sc. Chron. p. 416.

* This outrage seems to be meant in James IV.'s letter to Pope Julius II. dated December 5, 1511. After complaining in general, of injuries committed by the English against his subjects, in the latter years of Henry VII.'s reign, he adds *tum demum ex insidiis aggressi quos armis et bello capere antea non poterant, viros nobis fortissimos per pacis occasionem incautos e medio sustulerunt.* Epp. RR. Sc. i. 123.

† They were of the name of Tait.

‡ James, in the above quoted letter to the Pope, writes, that the present king of England, though he had sworn to observe the league concluded by his father, yet committed all manner of violence and outrages against the king of Scotland by sea and land; not only tolerating such excesses, but willing and commanding them. He immediately adds, "Verum regem et fratrem "nostrum inaperto et palam moviſſe bellum facit ut S. V. nostrum utrumque et a sacramento et a "censurarum incursu liberasse præsumpserim, id quod non usque adeo iniquum foret, fœdus "inquam, mutuo utrumque *dissensu* solutum iri."

Forte *assensu*.

Henry VIII. K. of England. 1511.

Henry was charged with encouraging and protecting his subjects, James did farther accuse him of fraudulently detaining a valuable legacy, consisting chiefly of jewels, which had been bequeathed to his queen by her father Henry, or brother Arthur.

As the court of England could not but perceive how much a war with Scotland would clog their enterprises on the continent, they were at great pains to prevent matters coming to extremities. Towards the end of the year 1511, and probably on occasion of the affair of Barton, Dr. West was sent ambassador to Scotland, to negociate an abolition and mutual remission of all quarrels and complaints that had happened between the kings or their subjects. In the spring of the following year, soon after the renewal of the league between France and Scotland, the lord Dacres was joined in commission with West for carrying on a negociation of the same nature, and they were also charged to demand the king of Scotland's oath for observing the treaty of peace between the kingdoms; offering to him, in the name of their master, that he should take the same oath. It is said, that the king of Scotland declared at this time to the two English ambassadors, that he intended to observe a strict neutrality between the kings of France and England; but that when the ambassadors desired him to give this declaration in writing he excused himself, on the pretence, that by his granting their request, he would shew a greater deference to the king of England, than to the king of France. The ambassadors endeavoured to amuse the king, not only with offers of satisfaction for the wrongs he complained of, but also with hopes that their master would be reconciled to France on equitable terms. But the king of Scotland being pressed on the other hand by the French ambassador, animated by new letters from the king and queen of France brought over by James Ogilvy, abbot of Dryburgh; and receiving intelligence, that an English army was sent over to join the king of Spain in invading France, no longer hesitated to commence hostilities. He gave a commission to attack the English at sea to Robert Barton, who soon made prizes of thirteen of their ships. Incursions were also made, probably by virtue of letters of marque, into the English borders; and Henry apprehending a war unavoidable, appointed the earl of Surrey his lieutenant and captain general on the marches towards Scotland, giving him charge to array and muster the fencible men of the northern counties, and to lead them forth to resist the Scots.

Rym. vol. xiii. p. 309.

A. D. 1512. Rym. ib. 332, 333.

Herb. Hen. VIII. p. 12.

Lesly, p. 357.

July. Aberc. vol. ii. p. 526. August 6. Rym. vol. xiii. p. 339.

Notwithstanding these beginnings of violence, endeavours were still used to prevent an open war. Ambassadors* were nominated by the king of Scotland to pass into England in the beginning of the following year; and lord Dacres and doctor West† had their commission renewed by Henry, for the purposes already mentioned. Lord Conyers and Sir Robert Drury were also appointed commissioners for giving and receiving redress of injuries. In consequence

A. D. 1513. Feb. 15. Rym. ib. p. 347.

* These were, John lord Drummond, Sir Robert Lauder of Bass, Sir John Ramsay of ——, Sir William Scot of Belverley, and Mr John Henryson clerk of justiciary.

† West, according to Lesly, came ambassador into Scotland March 16, and prevailed with James to consent to a meeting of commissioners from each nation, to be held on the borders in the following June. Lesl. 358.

of

James IV. K. of Scotland.

of these, or the like appointments, a meeting of commissioners from both kingdoms was held on the borders in the following summer; where neither party being in proper temper for settling the reparation of mutual injuries, a delay of farther proceedings in these matters was proposed by the English commissioners, until the 15th of October; and this delay was approved by Henry and his council.

1513.

On the last day of June, Henry passed the sea to Calais; and on the 26th of the following month, James sent his principal herald to him, with a letter containing his complaints of the injuries he had received from Henry and his subjects, and a declaration of his purpose to support his ally the French king, and to take such measures as he hoped would oblige the king of England to desist from his hostile enterprises against him; which he at the same time entreated and required him to do. This message was sent by the advice of the estates of Scotland; who, by the instances of their king, aided by the arts and money of France, were, not without reluctance in many particular members, engaged to give their consent to an invasion of England.

Let. of K. of Scotland to Henry. Hol. p. 295, 296. Hall. Hen. VIII. f. 29, 30. Lefly, p. 359.

In the letter of James, just mentioned, he takes notice of the destruction of Barton, with the iniquitous detention of his ships and artillery; the protection given to the bastard Heron, with his accomplices, in the murder of the Scottish warden; and of the spightful with-holding of the bequest to his queen, notwithstanding repeated promises to satisfy that demand. He mentions also the slaying, upon unjustifiable pretences, some of the Scottish nobles and the carrying of others prisoners into England. He remonstrates against the unnecessary delay of redress, after the peremptory appointment of the last meeting on the marches for effecting it; and to prove, that it was the view of the English to disappoint the professed purpose of that meeting, he affirms, that they had arrested no malefactor, to be produced before it*. James farther loudly complains of Henry's having refused a safe-conduct to an ambassador whom he lately proposed to send to him, at the desire of doctor West, his own ambassador. Finally, he insists on the bonds of friendship, and natural relation, that connected him with the French king, and the duke of Gueldre; who were the persons to whom he was to look for aid in *his* necessities; and on whom the unprovoked attacks of the king of England gave him too much cause to dread the worst for *himself*.

Hall. ib.

This letter of the Scottish king was delivered by his herald to Henry while lying before Terouenne and at the time when he was just expecting the arrival of his ally the emperor Maximilian, to receive his pay and fight under his banner. So flattering a situation of affairs, concurring with the insolence of youth and natural heat of the king's temper, prompted him to give an answer in such harsh and passionate expressions, as the herald refused to repeat to his master? A letter was therefore delivered to him, wherein the strain of abuse and reproach seems not to have been moderated. Henry in this letter

Aug. 11.

Hall, fol. 29. Hol. E. C. 820.

* In vindication of this neglect, the king of England alleged, that thofe who had committed flaughter upon the fea, were not bound to appear in perfon at the march meetings; but that the appearance of their attornies was fufficient.

Henry VIII. K. of England.

1513.

Hall, ib. fol. 30, 31, Lefl. 361.

charges James with the evident tendency of his complaints and allegations, all which, he affirms, had already been fully answered, to break that peace which he had solemnly sworn to observe; a thing which could be no occasion of wonder, to any who reflected how much his progenitors had been addicted to the like perfidy. He reproaches James with behaving dishonourably in taking advantage of his absence, which it was evident he had waited for; as, in none of his writings that preceded Henry's departure from his kingdom, he had ever mentioned his taking part with the French. But as the fragility of his faith, and the tenor of his past behaviour, had given too much ground of suspicion, Henry informs him of the precautions he had taken for the defence of his kingdom, before he left it, which he trusted would be sufficient; and, in just requital of his unnatural behaviour, he threatens the exclusion of James himself and his descendants from succeeding to the crown of England, on which he alleges that James had fixed his eye. He sets before him the fate of the king of Navarre; who, by adhering to France, was now a king without a kingdom: and affirming that sufficient answers had been formerly given to all other articles of complaint, he positively denies that he had refused a safe-conduct to an ambassador from Scotland; and asserts that the Scottish herald, in making that report had violated the truth. Finally, he refused, with disdain, to own James as a judge in his quarrel with the French king; or, on *his* requisition, to desist from the war he was now carrying on in France. This answer, compared with the letter of the Scottish king, affords an authentic illustration of the grounds of the quarrel between the princes, but could have no effect on the measures of the king of Scotland; his herald, through the want of a ship, being detained in Flanders, so as not to arrive in his own country until after the death of his master.

Lefly, 359. Hol. S. C. p. 430, 431. Buchan. p. 250. Hall. fol. 38.

On the same day that James dispatched his herald to Henry, a Scottish fleet, commanded by James Gordon, son of the earl of Huntley, with a body of land-forces on board, sailed to the aid of the French king; and on the 13th of the following month, the lord Hume, chamberlain of Scotland, and warden of all the marches made an inroad into England, at the head of about three thousand horsemen, his kindred and retainers*, This incursion of Hume had been preceded, at a small interval of time, by one made into the Scottish borders by a party of English, who had carried off a considerable booty. Hume, in the beginning, pursued his revenge prosperously; by burning seven villages nigh the march, and collecting a great load of spoils from these villages and the adjacent country. Sir William Bulmer, whom the earl of Surrey had sent forward from Doncaster with two hundred archers on horseback, to lie in the castles and fortresses of the frontiers, called to his aid the gentlemen of the English march; who, after joining themselves and followers to Bulmer's archers, did not make up a thousand men. These placed themselves in ambush among tall broom in the plain of Milfield, nigh the way by which the Scots were to pass; and while the latter were returning secure with their plunder, the English suddenly attacked them. The Scots made a brave

* According to Hall, lord Hume led into England seven or eight thousand men.

resistance,

James IV. K. of Scotland. 1513.

resistance, but could not long bear the sharp and regular shot of the English archers. They were put to the rout, with the loss of five or six hundred killed, and more than four hundred taken prisoners. The prey, among which was a great number of English geldings, was recovered. The lord Hume was obliged to fly, having lost his banner; and his brother Sir George was made a prisoner.

Lefly, 362: Hall. fol. 38.

The king of Scotland, eager to revenge the defeat sustained by his warden, hastened his march into England; which he entered on the 22d of August at the head of a numerous army *. He encamped that night at Wesilham †, near the river of Till, and probably remained there the two following days: for, on the 24th, by advice of the lords in his company, an act was made, dated at *Twisel-haugh* ‡ in Northumberland; ordaining, that the heirs of all who should be killed or mortally wounded by the enemy, or who should die in the army during the term of their service in it, should be freed from the burdens of ward, relief, or marriage, due to the king. This act was, not improbably, in imitation of one of like import made by the legislature of England, previous to the war wherein that nation was now engaged with France. From the mouth of Till the Scots army moved down the side of Tweed, to lay siege to the castle of Norham. Of this the outworks were soon gained, one of its towers beat down, and several of the garrison killed; whereupon the captain entered into a capitulation to surrender the place, if not relieved on or before the 29th, by the earl of Surrey §, who was then approaching with an army levied in the northern counties. No relief appearing within the time limited, the castle was delivered up to the Scots, who demolished a great part of it. They also took, and in part cast down, the castles of Wark, Etall, and Ford. They ravaged the adjacent country, collected much booty, and took many prisoners. With these spoils great numbers of the Scottish army forsook their colours, and returned to their homes: and the desertion was farther promoted by a beginning scarcity of provisions, and the continual severity of the weather; not many hours passing without rain, during the whole expedition. But the king met with an entanglement at the castle of Ford, from the art of the lady of that place and the charms of her daughter ‖, that

Scotch acts of parliament.

Parl. Hift. vol. iii.

* Lord Herbert fays, of fixty thouſand, or, according to ſome, an hundred thouſand men; Hall ſays, that they were, for a ſurety, a hundred thouſand good fighting men, at the leaſt.

† So Leſly, and Holingſhed from him. Holingſhed and Drummond call Till the river of Twiſel; and moſt probably *Weſilhamia* is a Latin name contrived by Leſly for Twiſel itſelf.

‡ In the date of the act it is ſpelled Tweſil-hauch. The enacting clauſe is, that 'gif any man 'beis ſlane or hurt to deid in the king's army, and oiſt be Ingleſman, or deis in the army, endur-'ing the time of his oiſt, his aires ſhall have his ward, relief, and marriage, of the king fre, diſ-'penſand with his age, quhat eild that ever he be of.' Black Acts, f. 110.

§ According to Hall, the captain had written to Surrey, that he would give the king of Scotland play before his caſtle, till the king of England ſhould come from France to reſcue it. He alſo ſays, that the captain ſpent vainly his ammunition and arrows, and ſo was ſoon in want of them. Hen. VIII. f. 37, 38.

‖ It was ſuſpected by ſome, according to Drummond, p. 74, that the captivity of the lady of Ford and her daughter, was a ſnare contrived by Surrey for the king of Scotland and his ſon, the archbiſhop of St. Andrews. The mother is alſo ſaid to have been allowed by the king to go to the

Engliſh

Henry VIII. K. of England. 1513.

that is said to have been more pernicious to him than all other circumstances. A proposal was made, that he should attempt the reduction of Berwick, which was known to be ill prepared for undergoing a siege: but the king and his flatterers agreed, that this undertaking ought not to divert the army from its victorious progress towards the interior parts of England; for Berwick would be an easy conquest, on their return. Mean while, no progress was made for some days in any other direction; the amorous king being held in the chains of the soft passion, while the spirits of his army subsided, and its numbers diminished.

While the king thus wasted his time, the earl of Surrey was leading towards him an army of twenty-six thousand men. This commander, in passing through Durham, obtained from the prior of the convent the banner of St Cuthbert to be displayed, for the purpose of animating the zeal and courage of his northern troops. On the 30th of August he arrived at Newcastle, where he was joined by the lord Dacres and some others of chief rank and interest in the north: in concert with whom he resolved to take the field at Bolton in Glendale, on the fourth of the following month. He arrived at Alnwick, distant about five miles from the place of rendezvous, on the third; but the heavy rains had marred the roads, so as to retard the arrival of his soldiers, and to oblige him to remain at Alnwick all the fourth. On that day he was joined by his son Thomas*, now the lord Admiral, and brother to the late gallant Sir Edward†, accompanied with a considerable body of good forces, which he had brought by sea to Newcastle. Immediately after this

Hall, fol. 38.

Engliſh camp, on her promiſing to convey to him intelligence of what was doing there; but the advertiſements ſhe ſent were contrived to ſerve the views of Surrey. The only account found in the Engliſh hiſtorians of any intercourſe between the king and the lady of Ford, appears in the meſſage mentioned a little below, ſent by the earl of Surrey to the Scottiſh king from Alnwick. This meſſage, Hall ſays, he gives *verbatim* as ſubſcribed by Surrey; and the firſt article of it bears, that Elizabeth Heron, wife to William Heron of Ford, which William was then priſoner in Scotland, having ſolicited king James to preſerve the caſtle of Ford from demolition, ſpoiling, or burning; the king had conſented to it, on condition that the ſaid Elizabeth ſhould bring and deliver to him, on the forenoon of the 5th of September, the lord Johnſtoun (laird of Johnſtoun) and Alexander Hume, at that time priſoners in England. Surrey offers immediately to reſtore theſe priſoners, upon receiving an aſſurance of protection for the caſtle under the king's ſeal: and he farther promiſes to reſtore Sir George Hume and William Carre, on condition that the king would free Heron from his captivity in Scotland. The return made by James' herald (Ilay) to theſe propoſals was, that *his maſter thereto would make no anſwer*. Hall Hen. VIII. fol. 39.

* Lord Herbert, probably from Hall, who ſeems to ſay the ſame, fol. 38. 1. ſays, that lord Thomas brought with him about a thouſand men. According to Stowe, the admiral joined his father with five thouſand ſoldiers from the king's army in France. It appears from the renewal of a grant that had been made to the earl of Surrey as a reward of this ſervice, after he had become duke of Norfolk, that 'the men, wherewith he moſt opportunely joined his father, were 'part of his marine forces. It is added, that his ſervice in the battle was very conſpicuous: he 'having at once performed the function of a wiſe leader and a brave ſoldier.' Rymer, vol. xiii. p. 44. Carte ſays, that the lord Thomas, being ſent with a well-manned fleet to the coaſt of Scotland, in deſpair of any action by ſea, landed and joined his father with five thouſand men. Carte. vol. iii. p. 12?

† Sir Edward Howard was drowned before Breſt, 25th of April 1513, in a deſperate attack he made on the French fleet there.

junction,

junction *, the disposition of the whole army was settled, and Surrey, thinking his strength sufficient to encounter the Scots, and desirous to bring matters to the decision of a battle, on account of the difficulty of subsisting in a barren desolated country, and during a severe season, dispatched an herald (Rouge Croix) from Alnwick, on Sunday the 4th of September, offering the king battle on the Friday following. The herald had orders at the same time to charge the king with the breach of the league of perpetual peace between the nations, of his own oath confirming it, and the many iniquitous deeds of violence and rapine committed on the places and subjects of England, since his hostile entrance into that kingdom. The lord Thomas also required the herald to certify the king of his presence in the English army; and that having come by sea, where he had sought the Scottish fleet in vain, he had resolved to land, that he might have the opportunity of *justifying* the death of Andrew Barton, which he had been often summoned to answer for on the days of truce; that he would be in the van of the battle; and as he expected no quarter from his enemies, so he would give none, unless to the king himself, if he should fall into his hands. These fierce challenges answered the purpose for which they appear to have been sent. The king thought it would wound his honour to refuse them; and therefore immediately dispatched one of his own heralds (Ilay) to inform Surrey, that to meet him in the field of battle was so much his wish, that although he had been then at Edinburgh, he would, in order to meet him there, have left all other business. He also sent by his herald a short declaration in writing, containing an answer to Surrey's accusation of his breach of faith. In this he affirmed, that his brother the king of England was under equal obligation with himself to observe the league; that when he last swore, before the English ambassadors, in presence of his council, he particularly expressed in his oath, that he would keep the peace with his brother of England, if his brother kept it to him, and not otherwise. He also now declared, with all the solemnity of an oath, that his brother first broke faith to him, for which he had frequently demanded redress; and lately had given him notice of his resolution to proceed to the hostilities which he had now commenced; which was more than his brother had done to him. On the equity of these proceedings he rested his quarrel; which, by God's help,

James IV. K. of Scotland. 1513.

Hall. Hen. VIII. fol. 40.

* The fore-ward, or firſt line, was commanded by the lord Howard, admiral of England; with whom were thoſe he brought from the ſea, the lords Clifford, Conyers, Latimer, Scrope of Upſale, Egle, Lumley, Sir William Bulmer, with the power of the biſhopric of Durham, &c. The right wing of this line was commanded by Sir Edmund Howard, marſhal of the army; with whom were Sir John Bothe, Sir Thomas Butler, ſeveral eſquires of note, with the men of Hull and the king's tenants of Hatfield. The left wing was led by Sir Marmaduke Conſtable; who had with him his ſons and kinſmen, Sir William Percy, and a thouſand men of Lancaſhire. The rear-ward was led by the general himſelf; with whom were, the lord Scrope of Bolton, Sir Philip Tilney, Sir George Darcy, Sir John Stanley, with the biſhop of Ely's ſervants, ſeveral other eminent knights, the citizens of York, Lyonel Percy, with the abbot of Whitby's tenants. The lord Dacres was captain of the wing on the right of the general's line, and commanded his own men. The other wing was commanded by Sir Edward Stanley knight, who led the remainder of the forces from the county palatine and Lancaſter. Holingſhed ſays, that afterwards, upon ſome occaſion, this order was ſomewhat altered. Eng. Chron. p. 826.

it

Henry VIII. K. of England. 1513.

it was his purpose to maintain with his arms, on the day that Surrey had named.

This resolution of the king is said to have been contrary to the declared sentiments of the greatest part of his nobles. They insisted on the grievous diminution of their own army, and the great superiority of numbers on the side of the English; that by the exploits already achieved, the king had acquired abundant honour; that his expedition into England had been of the greatest utility to his ally the French king, by detaining at home a numerous body of English forces: that his returning into Scotland would oblige the English either to retire or disperse, as it was impossible they should subsist in a country laid waste by the calamities of war; that if they should presume to follow him, he would fight them within his own kingdom with far greater advantages on his side; finally, that the loss of a battle, wherein the king and all the chief men of Scotland were present, could not fail to produce the most fatal consequences. These topics are said to have been pressed with so much vehemence by the old earl of Angus, that the king told him, if he was afraid, he might go home; and the earl, judging it repugnant to his honour to fight under the standard of a prince from whom he had received so great an affront, requested and obtained his dismission: but, as pledges of his loyalty and good affection, left behind him two of his sons *, and a considerable body of his name and kindred.

But although these remonstrances of James's nobles availed nothing to shake the king's resolution of awaiting his enemies, yet his sense of the inferiority of his numbers, and the reluctance of his great men against advancing any farther into England, determined him to make choice of an advantageous situation for his army, in the neighbourhood of Ford. This was the hill of Flodden, lying over against that place on the other side of the Till, westward. It is the last and lowest of those eminences, that extend on the north-east of the great mountain of Cheviot, towards the low grounds on the side of the Tweed; from which river Flodden is distant about four miles. The ascent to the top of it, from the side of the river Till, where it runs in a northerly direction, just by the foot of the declivity on which the castle and village of Ford stands, is about half a mile; and over the Till, at that place, there is a bridge. On the south of Flodden lies the extensive and very level plain of Milfield, having on its west side high hills, the branches of Cheviot, on the north Flodden and other moderate eminences adjoining to it, on the south and east a tract of rising grounds, nigh the foot of which is the slow and winding course of the Till. The nearest approach of the English army towards Flodden was through this plain, in every part whereof they would have been in full view of the Scots; and the latter had a great advantage in possessing an eminence which, on the side towards the English, had a long declivity, with hollow and marshy grounds at its foot; while the top of it was such an extent

* They both fell in the battle, together with two hundred gentlemen of the name of Douglas. Godsc. Hist. Douglasses, vol. ii. p. 57.

of

James IV. K. of Scotland. 1513.

of almost level ground as would have sufficed for drawing up in good order the forces that occupied it. Surrey, sensible of these advantages on the part of his enemies, and being now encamped on Wooler-haugh, to which he had marched on Tuesday the sixth of September, in order of Battle, from Bolton, sent by an herald a letter * to the Scottish king, subscribed by himself, his son Thomas, and the rest of the lords and principal captains of his army. Having succeeded in his former experiment of piquing the honour of the gallant monarch, he was resolved to make a farther trial of the same kind. In this letter therefore he put the king in mind of the readiness wherewith he had accepted the offer sent to him of a battle, to be fought on the Friday following; but added, that, instead of abiding, according to his promise, in the place where the English herald had found him, he had removed into a situation more like a fortress or camp than an equal field for the engagement of armies. He therefore desired the king to come down from his heights, and to be with his army on the day following, on the side of Milfield plain nearest to his present situation; promising, for his part, to be in readiness with his own army, on the part of the plain next to himself, to join battle, between twelve o'clock and three in the afternoon; provided the king should, by eight or nine of the next morning, send by the return of the herald advertisement of his intention to meet him. He desired farther, that, as he and the noblemen of his company did now bind themselves, by subscribing this letter, to keep the time abovementioned, the king would in like manner, by letters subscribed with his own hand, give them assurance of complying with their desire; and that he would dispatch the pursuivant immediately; as "they thought that the long delay of so honourable a journey would sound "to the king's dishonour."

This message failed of the effect that Surrey hoped for. The Quixotism of the king that prompted him to embrace so eagerly the former challenge, was either abated by succeeding cooler reflections, or an insuperable bar was put by the opposition of his nobles to his abandoning his present advantageous situation. He refused to admit Surrey's herald to his presence; but having sent one of his servants to receive his message, he answered by the same servant, that it became not an earl to behave in that manner to a king; but that he himself would use † no sinister arts of conquering, nor did he trust to the advantage of any ground. Surrey having received this answer, and his army being reduced to great straits for want of provisions ‡, was obliged to try ano-

* This letter is dated from the field of Wooller-Haugh, 7th September, at five o'clock in the afternoon. Stowe, p. 493. The names of those subscribing it, besides Surrey and his son, as given by Stowe, are, Thomas Dacre, Clifford, Henry Scrope, Ralph Scrope, Richard Latimer, William Conyers, John Lumley, R. Ogle, William Percy, Edward Stanley, William Molineux, Marmaduke Constable, William Gascoigne, William Griffith, George Darcy, William Bulmer, Thomas Strangeways, &c.

† *Use no sorcery.* (Hall.)

‡ Hall says, that on the day of the battle the English had no victuals, and were fasting, and that for two days before they had only drank water. Yet, on the day of battle, he says, they kept array on horseback from five in the morning till four p. m. and were always in sight of the Scots. fol. 12.

Henry VIII. K. of England. 1513.

ther method of bringing the Scots to a battle. With this view, having passed the Till near the place where he encamped, he marched through difficult grounds* on the east side of it; and stopping in the neighbourhood of Baremoor-wood, about two miles distant from the Scottish army, spent the night there. A little hill on the east of Ford covered the English army from the observation of their enemies; while, from this eminence, the lord admiral obtained a distinct view of all the Scottish army and of the hills and fields in their neighbourhood. Upon the admiral and his party, while reconnoitring, or some part of the English army that seemed nearest to them, the Scots fired some of their cannon, without any effect. Next morning the English army continuing their march in a north-westerly direction, almost to the confluence of the Till and Tweed, did again cross the first named of these rivers; the van-guard and artillery over the bridge of Twisel, and the rear-guard by a ford nigh a mill †, about a mile above that bridge; and then the whole army bent their march towards the hill of Flodden. By these motions the English general, putting himself between the Scots and their own country, did at once make it necessary for them to fight; and had, on this side of the hill, an access much less difficult and dangerous than on the other.

Paul. Jov.

The Scots had thought themselves secured against the approach of their enemies from the opposite side of the Till, by the depth and bad fords of that river, through a long tract of its course on each hand of them, and by a battery of cannon ‡ they had erected, near the foot of the eastern declivity of Flodden-hill, bearing full on the bridge of Ford. They seem not to have thought of the compass that Surrey now made, and upon observing his first crossing of the Till, and his marching at some distance on the other side of it, they imagined, that he intended also to cross the Tweed, perhaps by the bridge of Berwick, in order to ravage the fertile country of the Mers, and to draw subsistence from it to his starving army. In this opinion, the king of Scots is said to have been industriously confirmed by Giles Musgrave, an Englishman, who enjoyed a great degree of his confidence, and traitorously abused it to the king's destruction. Musgrave's intention was to draw the king from his heights, to observe or pursue the English. On the other hand, the Scottish nobles, who were averse to the king's hazarding a battle, took occasion from these motions of the English, to persuade him to retire without delay into his own country; which, as the English were plainly moving away from him, when the time prefixed for the battle was so near, he might do, without the least violation of his honour. But the king declared an invincible resolution to keep his ground, and wait for them all the appointed day.

Buchanan.

* *Over many hill's and ſtreights* (Hall.)

† Several of the hiſtorians call it Milford. There is no ford now of that name in the neighbourhood. But the name indicates a ford nigh a mill, and the neareſt ford to the bridge of Twiſel being that at the mill of Heaton, about a mile farther up the river, it is probable that this is the ford meant. The caſtle of Heaton was one of the ſmaller fortreſſes which the Scots had demoliſhed in the beginning of this war.

‡ The veſtiges of the intrenchment for this battery ſtill remain.

When

When on that day it was perceived, that the English had again crossed the Till and were marching in the manner above described, the Scots could no longer doubt of their resolution to come to an engagement. In order therefore to receive them with greater advantage, and to pre-occupy the ground which it was believed the English would attempt to gain on the western side of the hill, the Scots, ſetting fire to their huts on the eaſtern part of it, made a motion weſtward; and the ſmoke being driven between the armies, concealed them from each other, until the Engliſh had almoſt arrived at the foot of the hill. Surrey, favoured by the trepidation which the unexpected circumſtances of his approach had excited in the Scottiſh army, and perceiving the aſſent of the hill *, to be ſhort and moderately ſteep, reſolved immediately to give battle.

James IV. K. of Scotland. 1513. Sept. 9.

The Engliſh army advanced in three diviſions †; the van under Thomas Howard, the general's eldeſt ſon, lord admiral of England; the right wing of

* This hill Hall calls Brumſton, and Stowe ſays, the king was ſlain at Brumſton on Piperd Hill. Hall ſays, the brook at the foot of it, which is but a man's ſtep over, is called Sandyford. A piece of bare rock riſing above the ſurface of the weſt end of the hill, is ſtill called the King's Chair.

† The following account of this battle was inſerted in the table affixed to the duke of Norfolk's monument at Thetford. On the earl's hearing of the king of Scotland's invading England, he made as great haſte towards him as he could, with the king's (Henry's) power of the north parts, and took his lodging in the camp or plain called Woolerhaugh, in the county of Northumberland, which was in the ſight of the king of Scots and all his army then lying on Flodden-hill, a ground more like a camp or fortreſs than any meet ground to give battle on, contrary to his promiſe made to Rouge-croix, purſivant at arms, before ſent into him from the ſaid earl with a meſſage, that the ſaid earl, with lord Howard, then admiral of England, his ſon, and the noblemen of the north parts, with other of the king's ſubjects of the ſame north parts, was come thither to repreſs and reſiſt his invaſions of his ſovereign lord's realm, deſiring the ſaid king of Scots to give him battle. Which his meſſage the king of Scots took very thankfully and joyouſly, promiſing him to abide there on the ſame ground, where he then was: which his promiſe he brake, as is aforeſaid, and took Flodden-hills, a ground impregnable, and ſhot at him his great ordnance, whereas he lay like one minded to keep it like a fortreſs. And when the ſaid earl did perceive, that he had broken his promiſe, and taken ſo ſtrong a ground as Flodden-hills; he then, the ſaid earl, removed all his batail into a plain beſides Barmoor-wood, to the entent to get between him and his own realm of Scotland, and there lodged but one night, and on the next morning took his paſſage over the water of —— at Twyfull Forthe; and then he marched the ſaid king and his hoſt in ſuch manner as he got between him and his aune realm of Scotland; by force whereof the king was fain to leave his camp and to prepare himſelf to battle with the ſaid earl, on a hill beſides Bramſton in Northumberland, very near unto Sandyford, where the ſaid earl, with the good aſſiſtance of the noblemen, and the power of the ſaid north parts, fought with the ſaid king, and him vanquiſhed and ſlew in plain battle, directly before his own ſtandard. In which battle, were ſlain on the Scottiſh part, two biſhops, eleven earls, ſeventeen barons, four hundred knights, beſides other gentlemen, with ſeventeen thouſand in number, which were numbered as well by Scottiſh men as by them that did bury the moſt part of them. And of truth divers gentlemen and others, as well of the ſaid earl's ſervants, as of the north parts, and of Cheſhire and Lancaſhire, were there ſlain.—And this done, the ſaid earl went to Berwick, to eſtabliſh all things well and in good order, and ſent for the dead body of the king of Scots to Berwick; and when the ordnance of the king of Scots was brought off the field and put in good ſurety, and all other things in good order, then the ſaid earl took his journey towards York, &c.

Dugd. Baron. vol. ii. p. 270, 271. from Weaver's Fun. Mon. p. 834.

According to Hall, whoſe account of this battle appears in ſeveral reſpects more accurate than that of other compilers, after the Engliſhmen had paſſed the little brook of Sandyford, and each army had a clear view of the other, the lord admiral perceiving the Scots approaching towards him,

Henry VIII. K. of England. 1513

of it being led by Sir Edmund Howard, brother to lord Thomas, and knight marshal of the army. The middle division or main battle was led by the earl of Surrey in person, and the rear by Sir Edward Stanley. The lord Dacres commanded a body of reserve, consisting of horsemen. The ordnance was placed in the front of the battle and in the spaces between the divisions. The van of the Scottish army was led on the right by Alexander Gordon earl of Huntley *, and on the left by the earls of Crawford and Montrose, and, according to some, the lord Hume. The king was in the middle or main body.

Herb. p. 18. Stowe, 492, 493. Hol. Eng. Chr. 828. Buchan. l. 13, Drummond. Paul. Jov. l. 10.

drawn up in four great bodies, armed with long ſpears like mooriſh pikes, ſent to his father the Angus Dei, that hung at his breaſt, as a token, accompanying a requeſt, that, as the van of the army was not ſufficiently ſtrong or extenſive to receive the brunt of the whole Scottiſh army, his father would bring up the forces of his diviſion, and range them in one line with thoſe of the van. The Engliſh general, convinced of the expediency of this diſpoſition, immediately advanced with his forces, and drew them up to the left of thoſe of his ſon. The Engliſh artillery then beginning to play, and doing conſiderable execution among the Scots, made them with greater expedition deſcend the hill; which, according to this author, they did all about the ſame time. And firſt, Sir Edmund Howard, who was on the right or weſtmoſt part of the Engliſh army, was encountered by the lord chamberlain of Scotland, with his battle of ſpears, to the number of ten thouſand. This wing of the Engliſh was totally broken, and Sir Edmund their leader in the greateſt hazard, as is mentioned in the text. Next to the eaſt was the lord admiral, with whom encountered the earls of Crawford and Montroſe, both which earls were ſlain, with many of their followers. Eaſtward from the lord admiral, was his father the earl of Surrey, toward whoſe ſtandard the king of Scotland directed his attack, attended by many of his nobles, barons, and ſpearmen, on foot, all very firmly armed. The Engliſh army was cloſed on the eaſt by the left wing of the general's diviſion, commanded by Sir Edward Stanley, who mounting the hill before the Scots were aware, encountered with the earls of Huntley, Lennox, and Argyle, of which the two latter were ſlain; and Huntley mounting a horſe ſaved himſelf by flight. Stanley purſued the Scots over that part of the field where their king had been engaged; and his men leaving the purſuit ſpoiled the dead bodies of the king, and thoſe who had fallen with him. Hall. H. VIII. f. 41, 42.

The account of the battle of Flodden, contained in the inſtructions to Andrew Brownhill, envoy from the regency of Scotland to Chriſtian II. king of Denmark, and dated January 16, 1514, though ſhort, and certainly not free from partiality, yet ſerves to illuſtrate, and is, at the ſame time, illuſtrated by the more circumſtantial hiſtory of it we have given. "Genitor noſter "ſubitarium conflat exercitum,——et Angliam ingreſſus caſtella aliquot, paucis diebus, capit et "expugnat. Nec ſatis cautè verſatus eſt exercitus noſter, et jam fractus; aliis laborum et rei "militaris inſuetis, aliis morbo et aeris intemperie languidis domum dilapſis, rex nobis genitor, "cum regni paribus et nobilium manu in hoſtili agro ſubſidet, *ſtatiarum pugnam* (*a*) expectat. "Sed Angli dolis intenti, locum et horam belli ſtatuto die detrectantes, pugnam diſſimulant; "donec ſub veſperum loco undique munito et paludoſo, ſe oſtentant. Quos in conſpectu ferre "pater nobis chariſſimus impatiens, nullo ſuorum ordine ſervato, ex loco ſatis adverſo et malig-"no, audacius decurrit in hoſtem; et primus ipſe, aut inter primos ſe et plurimos regni nobiles "inconſultus perdidit, bellicas machinas et exercitus ſarcinas amiſit, cæſis tamen ex hoſtibus "multo ſupra quam ex noſtris. Sed nobiliores viri a fronte, et acie apud nos ceciderunt; contra "apud hoſtes optimus quiſque in ſubſidiis et a tergo ſteterat." Ep. R. Sc. p. 187.

(*a*) A pitched battle.

* According to Leſly, the earl of Huntley led the right wing of the Scottiſh army accompanied by lord Hume; the earls of Crawford and Montroſe the left; and the king kept the middle ward with the earls of Argyle and Lennox on either hand of him. Leſl. p. 364. According to Palus Jovius, James drew up all his forces in five ſquare bodies, ſo that the third of theſe (*tertium agmen*) in which the royal ſtandard was erected, and all the chief men fought, was incloſed on each ſide by a double line, forming, at it were two wings (*duplici utrinque acie tanquam duobus cornibus claudentur*). On the right, Huntley, Crawford, and Montroſe; and on the left, Hume, Lennox, and Argyle, men celebrated for their military ſkill, had the chief command. Jovius adds, that the kings ſet knights or gentlemen over the ſeveral bands, and with theſe ſome French officers, whom Louis had ſome time before ſent over to Scotland to teach military diſcipline.

A third

A third division was commanded by the earls of Lennox and Argyle, with whom were Mackenzie, Maclean, and the Highlanders. Adam Hepburn earl of Bothwell, with his kindred and clients, and the gentry of Lothian, formed a body of reserve. The Scots had also a considerable train of artillery. The advantage of cannonading was wholly on the side of the English, the great guns of their enemies being planted so high as to shoot over their heads; while those of the English were so well directed, that the chief cannoneer of the Scots was slain, the inferior gunners driven from their pieces, and several in the centre of the Scottish army killed by the shot. But the earls of Lennox and Argyle, together with lord Hume, moving with a body of spearmen, supported by some horse, down the hill towards Brankston, made a fierce attack on the wing commanded by Sir Edmund Howard, who was advancing boldly towards them. The shock was violent, but the Scots prevailed; and Sir Edmund was reduced to the last extremity, himself beaten down the third time, and in immediate hazard of being killed or taken; when lord Dacres, and the bastard Heron, who had joined the English army with a troop of fierce outlaws, his followers, came in time to his rescue. Sir Edmund, thus relieved, immediately joined the body commanded by his brother lord Thomas, and the two brothers advancing against the earls of Crawford and Montrose, whose men were armed with spears, a sharp conflict ensued, wherein the Scots were put to the rout, and the two earls slain. On the other side of the field, Sir William Stanley, by the incessant shot of archers commanded by himself, Sir William Molyneux, Sir Henry Kickley, and others, of Lancashire and Cheshire, forced the Scots to break their array, and come down to more even ground, where being attacked by three different bands, they were discomfited and put to flight; the earls of Argyle and Lennox being slain on the spot. What the English writers ascribe to their archers in this part of the battle, the Scotch attribute to the undisciplined ferocity of the Highlanders, who, animated by the success of the attack made on the wing of the English, commanded by Sir Edmund Howard, could not be restrained from rushing down the hill upon their enemies in a precipitate and disorderly manner; notwithstanding the signals, cries, and menaces, of La Motte the French ambassador. The king of Scots was seized with the same warlike rage; for no advice, no remonstrances of his attendants, could hinder him from exposing his person in the thickest of the battle. Being joined by the earl of Bothwell and his band, he charged on foot *, at the head of his best men, who were so firmly armed as to suffer little from the arrows of the English. The attack made by him was pushed and maintained so vigorously, that he had almost overthrown the standards of the earl of Surrey; who at the same time was exerting all his powers, both as a skilful commander and valiant soldier. But the wings of the Scottish army being totally routed, the lord Howard and Sir Edward Stanley, with their victorious followers, returned to the place of action, and assailed on each side, the remnant of the Scottish army that still fought around their king, which

James IV. K. of Scotland. 1513.

Paul. Jov.

Buchanan.

* This, according to Paulus Jovius, was the *cuſtom of the nation*; *ut æquato omnium periculo, et ſpe fugæ ſublata, ſimul et corporis robur et animi virtutem oſtenderet.*

was

Henry VIII. K. of England. 1513.

was attacked also on the rear by lord Dacres's horse. What alone remained to the Scots was, a desperate effort of fighting in a circle against their foes encompassing them on every side; nor could any thing be gained by this but the selling of their lives at the dearest rate. The king seeing his standard-bearer Sir Adam Forman fall, and disdaining the thoughts of captivity, pressed into the middle of his enemies, by whom, with many wounds, he was slain *. Nigh to him fell his natural son, the archbishop of St. Andrews, a youth of the greatest hopes; and in the circle, three other eminent churchmen, with an amazing number of nobles and gentlemen †.

This memorable battle began at four o'clock in the afternoon, and continued until darkness obliged the combatants to give over. Nor were the

* That this was truly the king's fate, may be inferred from the universal consent of the Engliſh; to many of whom his perſon could not but be familiarly known. The lord Dacres, in particular, who is ſaid to have diſcovered his dead body, had not long before been ambaſſador at his court. The king's acknowledged military proweſs, and the accounts in which the hiſtorians of the two nations agree, of the manner in which he engaged his enemies, and was ſurrounded on all ſides, make his fall highly credible; eſpecially, as almoſt all his attendants were certainly ſlain. It is related, that the Scottiſh nobles had perſuaded the king to have ſeveral perſons furniſhed with armour, reſembling that which he wore himſelf, as had not long before been practiſed, for the ſafety of the French king Charles VIII. at the battle of Fuornovo in Lombardy. Alex. lord Elphinſton, being one of thoſe equipped in this manner, did at the ſame time much reſemble the king in looks and ſtature; and it is conjectured, that the Engliſh miſtook his dead body for that of the king. But is it not probable, that the Engliſh would be acquainted with this contrivance, and by the ſtrictneſs of their inquiry, the means whereof they had certainly in their power, would endeavour to avoid any ſuch miſtake? And is it not rather probable, that the perſon who was ſeen by Laurence Tailfer (Buchanan's Evidence, l. 13.) croſſing the Tweed, and was affirmed by him to be the king, was ſome one of thoſe who repreſented him; eſpecially when it is conſidered, that this paſſing of the Tweed muſt have happened in the evening? In ſo general a deſtruction of his king and fellow nobles, it was conſidered as a reproach to Hume, that he ſhould remain alive; and the ignominy and odium was increaſed by his bringing off unhurt a great part of his followers. If the king was indeed killed by any of theſe, as one of them, Calbreath, is ſaid afterwards to have boaſted, (according to whom the murder was perpetrated nigh Kelſo,) perhaps they gave him the fatal blow on the field of battle, where ſome of Hume's people ſpent part of the night in rifling the dead. As to Carr, another follower of Hume, driving the abbot of Kelſo out of his houſe the night after the battle, it may be very well ſuppoſed, that thoſe who left the field in the evening had good reaſon, from what they had ſeen, to be perſuaded that the king was dead, although they were nowiſe concerned in killing him. It ſeems evident that the court of England had no doubt of having the dead body of the king in their poſſeſſion, from Henry's ſoliciting and obtaining a diſpenſation from the pope, who had fulminated his ſentence of excommunication againſt James, on account of his breaking the peace with England, to give the body chriſtian burial; which Henry intended ſhould be at St. Paul's. But it may be alleged, that this funeral being never celebrated, looked as if doubts had ariſen about its being the real body of the king. It was tranſported firſt from Berwick to Newcaſtle, and thence to the monaſtery of Shene or Richmond; where, after the diſſolution of that monaſtery, it was ſhewn to Stowe the chronicler wrapt in lead, and lying in a room full of rubbiſh. Chr. p. 494. Alſo Survey of London.

† Abercromby's liſt of ſlain contains the following perſons, viz. Alexander Stewart archbiſhop of St. Andrews, George Hepburn biſhop of the Iſles, William Bunſh abbot of Kilwinning, Laurence Oliphant abbot of Inchaffray, the earls of Crawford, Lennox, Errol, Athol, Morton, Argyle, Montroſe, Caſſils, Bothwell, Rothes, Caithneſs, Glencairn. The lords Seton, Maxwell, with his three brothers, Borthwick, Sempill, Erſkine, Forbes, Elphinſton, Yeſter, St. John's, Harris, Innermeath, Sinclair, Roſs, Douglas maſter of Angus, and his brother Sir William of Glenbervy, maſters of Ruthven, Marſhal, Lovat, Oliphant. There are beſides in Abercromby's catalogue, ſeventeen knights and twenty-five gentlemen, heads of families of note.

English

English altogether assured of their victory until the return of day. A considerable body of borderers commanded by lord Hume, had stood aloof during the most dangerous part of the battle; and it is said, that when that lord was required by the earl of Huntley, to attempt to disengage the king, he answered, that *the man did well that day, who stood and saved himself* *. During the night the followers of Hume made a great booty by gathering the spoils of the slain; and at the same time, the banditti of Tindale and Tiviotdale, that like birds of prey had been hovering in the neighbourhood, were employed in rifling the tents and stealing the horses of the English. When the light of day returned, the fields were seen wholly evacuated of the Scots; and their cannon, in number twenty-two, stood deserted on the side of the hill. The English general immediately caused solemn thanks to be offered to Heaven for the victory, and created on the field thirty-five knights. The heaps of slain were next examined, among which, the dead body of the king was discovered by lord Dacres, who shewed it, after it was carried to Berwick, to Sir William Scot the Scottish chancellor, and Sir John Forman his serjeant porter, who had been taken prisoners in the battle, and by them it was immediately known. Being embowelled and wrapt in lead, it was kept at Berwick until the king's pleasure concerning it was known. To that place were also carried the Scottish ordnance, among which were seven fine culverins, from the samenes of their make and size, called by the king, *the seven sisters*. The accounts of the number of slain in this battle, as in most others, are very different. Buchanan relates, that it appeared from lists taken up through the several counties of the kingdom, that the loss of the Scots exceeded five thousand. But the quality of the slain enhanced this loss beyond expression. Some of the English writers compute the loss of their countrymen to have been only one thousand five hundred killed and taken prisoners; but, though the number had been much greater, as the Scotch historians affirm it was, yet when compared to the destruction of their enemies, it was of no consideration, as scarce an Englishman of note † fell in the battle.

James IV. K. of Scotland. 1513.

Hall. f. 43.

Stowe.

Although Surrey gained this great victory at so small a distance from the marches of the two kingdoms, yet he did not prosecute it, by passing them with any part of his army; which may be ascribed to his commission, confining him to a defensive war, to the inclemency of the weather and scarcity of provisions, or perhaps to the loss of greater numbers in the late action, than the English writers acknowledge. He was soon after, in reward of his signal service, created duke of Norfolk; a title which had been conferred by Richard III. on his father, who fell fighting on the side of that tyrant in Bosworth field. An augmentation was appointed to his arms ‡, expressive of his

A D. 1514. Feb. 2. Dugd. Bar. ii. 268. Hall. f. 46.

* Yet in Abercromby's list, are these gentlemen of the Mers, David Hume of Wedderburn, James Haig of Bemerside, Cuthbert Hume of Fastcastle, Robert Blackader of Blackader, William Spotswood, of Spotswood.

† This circumstance shews, that much execution was done by the English artillery and archers.

‡ This was, on the bend thereof, the upper half of a red lion, painted like that in the arms of Scotland, piereed through the mouth with an arrow; another proof of what was observed above, that the victory was chiefly owing to the English bowmen.

victory

Henry VIII. K. of England. 1514.

victory over a king of Scotland; and his late title of earl of Surrey was given to his son the lord admiral. Sir Edward Stanley was soon after created lord Mounteagle; and letters were written in the name of the king, after his return from France, to all persons of note who had fought in his army at Flodden, extolling their gallant behaviour, and assuring them of more solid fruits of his gratitude, as opportunities should arise of conferring them.

James V. K. of Scotland.

The state of Scotland, in consequence of the late overthrow, was deplorable. Their king was an infant about seventeen months old; and many of the heads of the principal families of his kingdom were either in nonage, like their sovereign, or in the period next to it, wild and unexperienced youth. This situation of affairs opened a tempting field to the few that were left of more mature age, and whose ambition and private interest had a greater sway over their minds than the duty they owed to their country. The late king, by a testament he had made previous to his fatal expedition, had appointed, on the event of his death, the queen to be regent * of his kingdom, as long as she continued unmarried. This appointment the estates of the kingdom ratified, and by doing so, advanced, for the first time known in Scotland, a woman to the place of supreme authority †. But their condition was very forlorn, and it appeared a good mean of conciliating the favour of the English monarch to confirm to his sister the honourable station which her deceased husband, had alloted her. Accordingly, the queen having become an humble suppliant to Henry for his pity and protection to herself and infant son, was favourably heard; the English monarch declaring, that the Scots should have peace or war, from him, according to their own choice and behaviour. Henry had not yet disengaged himself on the side of France, and his continental alliances had not produced the expected aids. Hence it proved no less a dictate of policy than of humanity, to suspend hostilities on the side of Scotland. A truce was therefore soon concluded, to continue for a year and day ‡.

Drum. p. 79.

Lesly, p. 368.

August 7.

Towards the end of the following summer, a peace was concluded between Henry and Louis XII. of France, to continue during the life, and for a year after the decease, of the prince who should die first. In this treaty of peace, the king and kingdom of Scotland were comprehended as allied with the French king; but it was agreed, and made an article in the treaty, that if the

Rym. vol. xiii. p. 419.

* Margaret, joining her name to that of her son in letters written in the beginning of his reign, calls herself *Regina Scotiæ et testamentaria regis tutrix.* Epp. RR. Sc. 1. 190, 200, &c.

† The states appointed to her for counsellors, James Beton archbishop of Glasgow, and chancellor of the kingdom, the earls of Huntley, Angus, and Arran. Lesl. l 9. Buchanan says, that the command of the country to the south of the Forth, was given to Alexander lord Home, and of the northern part of the kingdom to Huntley.

‡ The existence of this truce seems doubtful, from what the duke of Albany, governor of Scotland, writes two or three years after to Christiern king of Denmark. He says, that at his arrival in Scotland, (which was in May 1515), the nobles and common people of the kingdom despised and opposed a truce with the king of England, because they breathed after either a revenge of their late misfortunes, or death; that they had had frequent and successful rencounters with the enemy; had done more damage to the English, than they had received from them; had with small numbers resisted a proud and exulting enemy, although their king was a child, the governor abroad, and the faction of the queen opposed their proceedings, or divided the nation *(in diversa distraherent)*. Epp. RR. Sc. 1. 259. There is no such treaty of truce in Rymer.

king

king or any lieutenant or warden of his marches, or any Scottish subject, by commission or allowance of the king or his warden, should, after the 15th of September next ensuing, enter England, and there commit hostilities on the subjects of that kingdom, the present comprehension should, in consequence of such proceedings, be void; which should also be the case, if any of the subjects of Scotland hostilely invaded England with three hundred men, or upwards, and the king of Scotland or his warden, after being duly warned, should not within forty days cause restitution and redress to be made, and justice to be executed, agreeably to the laws and customs of the marches, that were in force during the late peace; but in cases where the above-mentioned hostilities were committed by a smaller number, then justice should be done, in the manner established by the treaties of the peace aforesaid. All conversation, commerce, and intercourse of trade between the kingdoms, were to continue the same as during that peace: and the king of England, his lieutenants, wardens, and subjects were, on their side, equally bound to abstain from all acts of injustice and violence against the subjects of Scotland; and in every respect to hold the same conduct towards them, as was before prescribed to the Scots with regard to the English.

James V. K. of Scotland. 1514.

Almost at the same time that this treaty was concluded between France and England, the queen regent of Scotland, passion triumphing over policy, married the earl of Angus *, the most illustrious and most amiable of the Scottish youth. By this step, she forfeited her title to the regency, as settled by the last will of her husband; and the states of the kingdom now availed themselves of that settlement to deprive her of her authority. The elevation of Angus by so high an alliance moved the envy of many, and this exaltation seemed altogether intolerable, if the supreme power should still remain in the queen. The lord Home, whose great offices of chamberlain of the kingdom and warden of all the marches, added to his extensive possessions and numerous kindred and dependents, made him the most powerful subject in the kingdom, was particularly jealous of the greatness of Angus. The inhabitants of Lidsdale and Annandale had long been dependents on the family of Douglas, and now began to range themselves under the chief of that name, whose high alliance gave a new lustre to his ancient house. And the aid and support which this match of Angus gave him the prospect of obtaining from England, made him greatly formidable to a rival chieftain, whose whole power lay in the border counties. These circumstances made Home most earnest to deprive the queen of her power; while his despair of succeeding to it himself, and his invincible aversion to see it placed in the hands of any of his fellow nobles at home, made him equally zealous to have it conferred upon John duke of Albany, who was born and educated, and had resided all his life in France. John was the son of Alexander brother to James III. who, as hath been related above, was, in consequence of his ambitious enterprises against

Aug. 6. Leſl. 370. Drum. 80.

Godſc. 241.

* Took to huſband. (Herb.) Yet Drummond thinks, that this match proceeded no leſs from policy than love; the queen hoping, by the help of Angus, to be more able to maintain her authority againſt a powerful and factious nobility. Drum. p. 80.

Henry VIII. K. of England. 1514.

the king his brother, obliged to fly for refuge to France, where he ended his days. Although Alexander died while under condemnation and forfeiture for his treason, yet it was urged, that his son, being the nearest in blood of the male-line to the king, had, by the ancient custom of the kingdom, a title to the tutorage of the king's person, and the regency of the kingdom during the sovereign's minority. A numerous party were inclined to confer this high charge on the earl of Arran, who by his mother stood in the same degree of relation to the king, as Albany did by his father. But the faction on the side of Albany prevailed, chiefly by the influence of Home, who was the first that subscribed the deed of his election; and is said to have declared, in the most public manner, that, though all the rest of the nobility should oppose Albany's coming into Scotland to assume the government, he alone would conduct him from France, and put him in possession of his high office.

A. D. 1515. Jan. 1.

In the interval between the election of Albany and his arrival in Scotland, Louis XII. the French king died; and Francis having succeeded him, there was a renewal of the treaty of peace betwixt France and England; which, like the former, was to continue during the life of the prince who should die first, and a year after his decease. This treaty was concluded at London on the 4th of April; and Scotland was again comprehended in it as an ally of France, provided that after the 15th of May the Scots did not commit such acts of hostility as were described in the treaty of August last. In order to give validity to this comprehension, the acceptance of it was to be procured from the king of Scotland, and to be intimated by the king of France to his ally of England, within three months after the date of the treaty. There was a like condition in the former treaty; but the unsettled state of the kingdom, arising from the queen's marriage and the absence of the governor, had hindered its fulfilment. In order to carry it into effect now, the king of France sent over into Scotland Villebresme a lord of his bedchamber, who presented his master's letters to those who had the administration of public affairs in that kingdom, on the 3d of May. An answer to this letter was written in their master's name, twelve days after, and subscribed by a considerable number of the nobles and clergy, wherein they accepted and ratified the offered peace; moved thereto, as they said, by the earnest solicitations of their ancient ally the French king, by their regard to their Holy Father Pope Leo, whose nuncio Balthazar Stewart * had remained with them a whole year, on purpose to procure peace between them and England; and that it might appear that the Scots could forgive their private injuries, for the sake of bringing about a general union of Christian potentates against the Turks. They take notice in this letter, of their late heavy misfortunes known to all the world; but affirm, that their successful conflicts since that time with their enemies, had taught them to entertain better hopes, and to repay the damages they had sustained; adding, that at present, while the sense of their sufferings was recent in their memories, and they had learned to dread less the strength of their foes, it

Rym. vol. xiii. p. 482.

Rym. ib. 508.

Ep. RR. Sc. vol. i. p. 224.

* Balthazar Stewart is mentioned with great commendations, and acknowledged as a kinsman of the blood-royal, by the duke of Albany, in a letter to Pope Leo X. Ep. RR. Sc. vol. i. p. 210.

would

James V. K. of Scotland.

1515. May 18.

would not have been wonderful, if they who had not hitherto thought even of a truce with their enemies, should have refused the peace that was now offered them. Three days after this answer was given by the states of Scotland, the duke of Albany arrived on the western coast of that kingdom; and four days after his arrival, in a letter dated at Glasgow, and addressed to the French king, he notified, in quality of regent and protector of Scotland, his approbation of the acceptance of the peace, which had been so lately declared by the council of the infant king, and the prelates and lords of his kingdom.

Ep RR. Sc. vol. i. p. 223. Rym. vol. xiii. p. 510.

Soon after Albany's arrival, a parliament was held, wherein he was confirmed in his office of regent: and according to the agreement he had made with the states of the kingdom before he left France, the inheritance, titles, and honours of his father, were solemnly restored to him. Amongst the rest of these titles was that of earl of March *. Although Albany soon gave proofs of spirit and capacity, yet being wholly a stranger to the affairs of Scotland, he was obliged to draw his knowledge of them from the information of others. This was an unhappy circumstance for the lord chamberlain; who, although he had been able to put into Albany's hands the reins of sovereign power, was probably deficient in those talents that qualified him for being a confident and counsellor to this stranger †. But such arts were possessed in a great degree by John Hepburn prior of St Andrews, Home's implacable enemy; who soon insinuated himself into the most entire confidence with the regent. Hepburn's resentment against Home had been excited by the part acted by the latter, in a competition for the archbishopric of St Andrews, which Hepburn had with Andrew Forman bishop of Murray, and Gavin Douglas bishop of Dunkeld, uncle to the earl of Angus. Forman, long employed in public affairs, and in high credit at the courts of Rome and France, claimed, upon a bull of provision from Pope Leo ‡; Gavin Douglas had the interest and support of the queen-dowager; and Hepburn was elected by the convent of St Andrew's, whereof he was Prior. Douglas had got possession of the castle; from which Hepburn expelled his garrison: but lord Home, who espoused the interest of Forman, accompanied by a great body of his kindred and dependents, caused the Pope's bull in favour of that prelate, to be proclaimed at the cross of Edinburgh. Forman, by his birth, was a client of Home §, but this attachment was strengthened by other ties, and particularly by

Drummond, p. 81.

Ep. RR. Sc. vol. i. p. 124. 128.

Godsc. p. 243.

* He was duke of Albany, earl of March, of Marr, and of Garrioch, lord of Annandale and Man. Ep. RR. Sc. vol. i. p. 257. The parliament after his arrival began on the 12th of July at Edinburgh. Black Acts.

†. According to some, lord Home came to the governor at Dunbarton, accompanied with ten thousand horse, whereupon the governor said, he was too great to be a subject. According to others, he came with his household only, consisting of twenty-four horse, in Kendal-green, which was his livery; and the duke slighted him with this sentence, *minuit præsentia famam*; being a man of low stature, and carrying no appearance of much stuff to be in him, by his outside. Godsc. p. 243.

‡ His late master, James IV. had given him a general licence to solicit a provision of this kind for himself, and for John Forman precentor of Glasgow. Ep. RR. Sc. vol. i. p. 110.

§ He was of the Formans of Hutton. The duke of Albany, in a letter to Pope Leo, full of his praises, mentions the antiquity of his family (*generis antiquitate, meritis et virtute fulgentem*).

Henry VIII. K. of England. 1515.

by Forman's procuring the priory of Coldingham to David Home, lord Home's youngest brother (*a*). Hepburn having made an advantageous composition with Forman *, a man of unbounded generosity, resigned to him the possession of the see; but retained a violent animosity against Home, whom he considered as the principal author of his disappointment. The confidence, therefore, which he so soon obtained with the new regent, was chiefly employed to give the worst impressions of the lord chamberlain, as a man exceedingly dangerous, by his excessive power, unbounded ambition, and intractable spirit; whose behaviour at Flodden had shewn the malignity of his heart, and his utter disregard of the safety of his king and country.

(*a*) He was the youngeſt of ſeven brothers.

The influence of these representations quickly appeared in the governor's behaviour to the lord chamberlain. This bore the plainest marks of alienation and distrust; which the haughty spirit of Home not being able to brook, he was immediately filled with projects of revenge. Angus and the queen-dowager, lately the principal objects of his jealousy, became now the persons whom he courted as friends and confidents, and to whom he imparted all his complaints. He lamented the consequences, present and future, of his own counsels, acknowledged his error in putting the king and kingdom into the hands of a stranger, and persuaded the queen and earl to carry off into England the king and his brother; who could not but be in the greatest danger from the governor, who, after them, was nearest heir to the crown; and who had already given such manifest proofs of ingratitude and inordinate ambition. The queen and Angus were sufficiently prone to listen to such discourses; and measures were already concerting for carrying off the infant princes, when the governor, having received intelligence of the plot, made a sudden and expeditious march from Edinburgh to Stirling, where the king and his brother resided, and taking them out of the custody of the queen, committed them to the charge of certain lords on whose fidelity he depended.

Goodſc. p. 243.

Herbert. Auguſt 3. Holingſhed.

Ep. RR. Sc. vol. i. p. 219. An elegant letter of Pope Leo to the queen-dowager and her council, dated 8th December 1514, is alſo full of his praiſes. His brother Sir John Forman of Dalvene, obtained a conſiderable eſtate in the ſhire of Roxburgh, by the marriage of Helen Rutherford, one of the two ſiſters and coheireſſes to Rutherford of that ilk. This Sir John was probably James IV.'s ſergeant porter, mentioned in p. 495; and Sir Adam Forman, that prince's ſtandard-bearer, who fell in the battle of Flodden, was, it is likely, of the ſame family. There is in the collection of royal charters, a charter of the lands in Hutton to Adam Forman in 1426. B. ii. No. 70. There is alſo a Robert Forman dean of Glaſgow, ſaid to have once been one of the king's houſehold, and provided by the Pope to the biſhopric of Aberdeen, mentioned in Ep. RR. Sc. vol. i. p. 220. He was obliged to reſign this biſhopric, having obtained the Papal proviſion without the royal recommendation. Ib. He was ſent, in 1506, being at that time dean of Glaſgow and chancellor of Moray, ambaſſador along with Lyon king at arms, to Charles the young king of Spain and duke of Burgundy, and to other potentates and ſtates in the north. Ib. vol. i. p. 45—58.

Keith's Sc. Biſhops, p. 22.

* Forman, and his friends, on this occaſion, reſigned the archbiſhopric of Bourges, which Forman had received from Lewis XII. of France, the *commendam* of the abbacy of Arbroath; alſo the biſhopric of Murray, which Forman himſelf poſſeſſed; the monaſtery of Drybugh and the monaſtery of Kilwinning; beſides other benefices and annual penſions. Forman retained only the archbiſhopric of St Andrew's, together with the monaſtery of Dunfermling, and that not entire. Ep. RR. Sc. vol. i. p. 217. Hepburn accepted, in the way of compoſition, the biſhopric of Murray, and 3000 crowns by year, together with a diſcharge for all by-paſt intromiſſions. Godſcroft, p. 243.

Angus

James V. K. of Scotland.

1515. Aug. 12. Holingshed.

Angus and the queen, dreading the consequences of the governor's resentment, sought shelter first in the strong castle of Tantallon, which belonged to the Angus family; but not chusing to be shut up there, they fled to Berwick, from whence they had a convoy to the nunnery of Coldstream; where they remained as in a sanctuary, until they knew the pleasure of the king of England, to whom they had sent an account of their situation. The king gave orders to lord Dacres, the warden of his marches, to receive them into his protection, and assigned them the castle of Harbottle for their residence *; where the queen was soon after delivered of lady Margaret Douglas, grandmother to James VI. The lord Home also, and his brother William, the principal partners in Angus and the queen's guilt, fled from court, and sought refuge in the borders of England.

Oct. 7. Herbert.

The governor, apprehensive of the dangerous impression which the complaints of the queen might make on the mind of her brother the king of England, took care by his ambassadors to vindicate himself, and to give the strongest assurances that she might with perfect safety return to Scotland when she pleased. He made no such show of lenity to the chamberlain; for having denounced him a rebel, he sent the earls of Lennox and Arran with a sufficient force to seize his lands and castles for the king. Some of those who were employed in this service, are said to have been killed by the explosion of a train of gunpowder, which was laid in the entrance of the castle of Home. The chamberlain, with his desperate followers, seeking to revenge this treatment, and disturbing the peace of the borders so much, that no march-days could be held, the governor found it necessary to march in person with some bands of French soldiers, to put an end to these disorders. At the same time he employed the friends both of Angus and Home, to persuade them to return to their duty, and to give them in his name, hopes of impunity for what was past, and of obtaining from him their reasonable pretensions and demands. These discontented lords, finding themselves in a situation that admitted no safer resource, accepted of the governor's assurances, and submitted themselves to his pleasure. The lord Home came in on the 6th of October, and, together with one of his brothers †, was sent to the castle of Edinburgh, where they were committed to the custody of the earl of Arran, who had married their sister. But this confinement was of a short duration; Home having prevailed with Arran, not only to suffer him and his brother to make their escape, but also to become a party himself in a new rebellion against the governor. Arran, being the son of James III.'s sister, had the next claim, by blood, to the regency, after the present governor; and Home persuaded him, that as he, by his power and interest, had raised the duke of Albany to that station, he would also be able to pull that prince down from it, and to put him in his place. The rebel lords retired to their own provinces; but the situation of these was so distant, that their forces could not be soon nor easily united. This circumstance, together with the great vigour and expedition of Albany, was the

Lesly, p. 377.

Holingshed.

* Lesly says, there was no native of Scotland, man or woman, allowed to enter England along with the queen. Lesl. p. 378. Holingshed says the same.

† Lesly calls this brother, Alexander.

ruin

Henry VIII. K. of England. 1515.

ruin of their project; for the governor marching speedily against the castle of Hamilton, it was surrendered to him by his aged aunt, the countess, who, at the same time, made her son's peace with her nephew *, and thereby deprived Home of his new ally.

A parliament, which had been summoned to meet not many days after the chamberlain's escape, condemned and forfeited as traitors, himself and his brothers William and David †. But the winter coming on, it was difficult to follow him to his retreats on the borders; and the severe proceedings against him inflamed his rage, and prompted him to commit new enormities. In perpetrating these, he employed the banditti of the borders, who, making an incursion into Lothian, plundered Dunbar; a town under the immediate protection of the governor; its castle being one of the strong places in which he was allowed to keep a garrison of Frenchmen. He also stopped near Coldstream the Lyon Herald, who was going on a message from the governor to the court of England; seizing his letters, and detaining his person, until the governor should set at liberty the chamberlain's mother, who had been committed prisoner to the castle of Dunbar. It was no wonder that the confusions that had so long prevailed in the counties bordering on England, had produced violations of the peace with that nation. In order to prevent these excesses from terminating in an open war, a meeting of English and Scottish commissioners was held at Coldingham in January. The governor who then resided in the castle of Dunbar, sent thence his commissioners to attend that meeting ‡. On the 17th of the month, they concluded a truce, which was to continue until the next Whitsunday. There was some altercation about the Scottish fugitives; but it was agreed at last, that Angus and Home, with their kinsmen and dependents, should be comprehended in the truce §. Angus soon after returned to the Scottish court, and was received with particular marks of favour: Home was also forgiven; but with an express warning, that if he again broke his engagements, his old faults should be remembered and added to his new. In a parliament held in May, his attainder was taken off, and his estate and honours restored.

Drummond. Buchannan.

Holingshed. Lesly, p. 379.

Holingshed. A. D. 1516. Lesly, p. 380.

Rym. vol. xiii. p. 549.

Ep. RR. Sc. vol. i. p. 238.

Drum. p. 84. Holing.

The truce with England, which expired at the feast of Pentecost, was renewed at London, on the first of June, by ambassadors sent from Scotland ||, and certain commissioners appointed by king Henry to treat with them **. The period fixed for the duration of this truce, was the ensuing St. Andrew's

Rym. vol. xiii. p. 549. Ep. RR. Sc. vol. i. p. 261.

* Arran came to Edinburgh, and submitted himself to the governor on the 12th of November.

† William was the fifth, and David, as is above related, the seventh and youngest brother of the family.

‡ These were, monsieur de Planes, the French ambassador, Gavin Dunbar archdeacon of St. Andrew's, and Sir William Scot of Balwery. The treaty of this truce is not published by Rymer.

§ Patrick Panter, the friend and confident of Angus, who had been committed prisoner to the castle of Inchegay, was at the same time pardoned and received into the governor's favour. Lesly. p. 382.

|| There is a safe-conduct, dated February 6, to fourteen persons, or any three of them, coming as ambassadors from Scotland. Rymer, vol. xiii. p. 531.

** These commissioners were, Nicholas bishop of Ely, Thomas lord of Graystock, and Dacres warden general of the marches towards Scotland; who are empowered to treat of peace and truce with Scotland. Rym. vol. xiii. p 549.

day.

James V. K. of Scotland. 1516.

day. Henry had always declared himself against the advancement of the duke of Albany to the regency of Scotland, and tutelage of the young king, pretending, as the ground of this opposition, his care of his nephew, whom he could not think safe, while in the power of one who was presumptive heir to the crown. The queen dowager of Scotland, after recovery from her lying-in at Harbottle, had gone to her brother's court *; where it is probable she gave full vent to her anxiety, about her son the king of Scotland, and endeavoured, at the same time, to give the most unfavourable impressions of the governor. It may therefore be ascribed, at least in part, to a desire of gratifying his sister †, that Henry sent by the Scottish ambassadors, who had been employed in negociating the truce, a letter to the states of Scotland, desiring them, for the security of his nephew, and as a foundation for a solid and lasting peace between the kingdoms, to remove the duke of Albany from his high office, and oblige him to return to France; declaring, that by not complying with this request, they would reduce him to the necessity of employing other means for the preservation of their infant sovereign. To this letter of Henry, the states of Scotland soon returned an answer ‡, containing a peremptory refusal of his request; justifying their choice of Albany, as agreeable to the ancient law and practice of their own country, as well as the most respectable constitutions of other nations; and declaring, in strong terms, their satisfaction with the governor's past behaviour, and their entire confidence in his honour and integrity. Albany finding himself thus supported, sent immediately to the court of England, la Fayette, a confident of his own, and bearing the title of his lieutenant; whom he charged with certain articles in writing, to be proposed to Henry for healing past differences, and as a basis for establishing and preserving lasting concord betwixt them. The greatest part of these articles were contrived to gratify the queen in all she could reasonably desire for the security of herself, her husband, and son. The governor also proposed, that the truce lately concluded should be prolonged until Midsummer in the following year; and that, in the mean time, rebels, malefactors, or traitors, flying from either kingdom, should not be allowed shelter or aid from the subjects of the other; but that those who gave it, should be punished in an exemplary manner, and the fugitives themselves sent back to their own sovereign. The articles, above-mentioned, were remitted by the king to cardinal Wolsey, his favourite and prime minister, with full powers to answer them in his master's name; and by Wolsey they were all accepted, and ratified, with the addition of a few explanations of small importance §.

She entered London May 3. Hall.

July 4. Rym. vol. xiii. p. 550.

Rym. ib. p. 574.

July 24. Ep. RR. Sc. vol. i. p. 261.

Domestic

* * The duke of Albany, writing to Chriſtian king of Denmark, ſays, That he had offered the queen dowager, *ſuſtra jus et equitatem ultra quam par fuit*; but that ſhe *poſt habito marito* had retired to London. Epiſt. RR. Sc. p. 238—261.

† Holinſhed ſays, it was at the requeſt of his ſiſter.

‡ The lord Home is one of the ſubſcribers of the anſwer to Henry's letter.

§ The Scottiſh commiſſioners, in the courſe of negociating the late truce, had affirmed, that the comprehenſion made of the Scots, by the king of France, in the late treaty of peace with England, had not been violated by them; and proteſted, that it ſhould continue in its full force and effect. But the Engliſh commiſſioners being of a different opinion, it was agreed, that the determination of this

Henry VIII. K. of England.

1516. Drummond.

Domestic tranquillity and peace with England being thus happily restored, the governor found himself in a better condition than he had hitherto been to gratify his private revenge, or to execute public justice on the lord chamberlain, who had been the principal author of all the late disturbances. To this he is said to have been instigated by the prior of St. Andrew's, who often visited him, while he spent the latter part of this year at Falkland, and retaining still his implacable spite against lord Home, endeavoured to persuade the governor of the absolute necessity of making a sacrifice to his own and the public safety of the life of a chieftain, who, in so many notorious instances, had shewn himself a contemner of the supreme authority of his country. But whatever were his real motives, it is certain that the governor, on his return to Edinburgh, began to employ means for getting Home into his power. With this view he called a convention of nobles, pretending some urgent affairs, about which it was necessary to consult them; and in particular informed Home and his friends, that as these affairs particularly concerned the chamberlain, his attendance was much desired. It is related, that suspicions were entertained by some of Home's friends of the designs of the governor against him, and that they endeavoured to persuade him, if he went to the convention himself, to leave his brother William at home, who on account of his courage and generosity, being no less respected than the chamberlain himself, might awe the governor against proceeding to extremities; and in case of the worst, might remain a support to his family and name. The fair behaviour of the governor, and Home's own presumption, rendered these entreaties and arguments of no effect: accompanied by his brother William, and Sir Andrew Ker of Ferniherst, an ally chieftain of the borders of great renown in those days, he went to court, where he was received with great demonstrations of regard; but, soon after, he was seized, together with his companions, and put into sure custody. They remained not long there until they were produced in judgment, and subjected to the sentence of an assize, according to the laws of their country. It is not distinctly related, what new matters of accusation were brought against the chamberlain. Probably the excesses on the borders, committed by his direction or connivance, and some of which perhaps were sufficiently recent, were regarded at that time, on the account of their frequency, as offences too trivial for giving ground to such severe proceedings. But agreeably to the condition of his last pardon, his former offences were now revived, and brought to judgment. To enhance the charge against him, James earl of Murray, a natural-son of the late king,

Sept. Lefly.

this matter ſhould be delayed till the next ſubſequent meeting of commiſſioners. Albany now propoſed, that the ſaid comprehenſion, by the preſent agreement, ſhould continue in full force, the king of Scotland, or his kingdom, in no ſenſe departing from it. Wolſey's anſwer to this propoſal is, that the determination of this queſtion ſhould be delayed until the expiration of the preſent truce. And when the king, on the laſt day of the year, confirms the deed of the cardinal, extending at the ſame time the period of the truce, from Midſummer till the St. Andrew's-day next following, he inſerts a clauſe, declaring that by this confirmation, he does not admit that the above-ſaid comprehenſion was in force. Epp. RR. Sc. i. 261.

There was difficulty and delay in obtaining from the Engliſh king and his miniſters, the original inſtrument of this truce. In order to procure it, the governor and council agreed to every thing that was demanded in favour of the queen dowager. Epp. RR. Sc. i. 261, 262, 263, 264, 265.

accused

accused him of the murder of his father; who is said to have been proved by many witnesses, to have been seen alive after the battle, and on the way from the field of Flodden. But no sufficient evidence appeared of Home's having any share in putting him to death. He was charged with a treacherous inactivity in that battle. He was also accused of having suffered the English to repair the castle of Norham; which he might easily have prevented, by the great power he had in that neighbourhood. To all these accusations was added, his being a principal contriver and actor in the late treasons and insurrections against the governor; on the account of these crimes*, lord Home and his brother were condemned to lose their heads. The sentence was executed next day on Home; and the day after that on his brother †; and their heads set up to public view, over the port of greatest passage in Edinburgh ‡. This is the third great instance of destruction brought on the most eminent families on the Scottish border, by jealousy of state, and their own immoderate use of overgrown wealth and power.

James V. K. of Scotland. 1516. Buchanan.

Oct. 8. Lesly.

Although these severities, exercised on so potent a family, and not appearing sufficiently founded on strict and evident justice, excited jealousy and murmuring against the governor, yet the awe of the example was followed by a general quiet. Soon after the execution of the Homes, Albany made a progress to Jedburgh in person, in order more effectually to repress and punish the excesses of the banditti on the marches. He also conferred the office of warden of the east marches on Sir Anthony Darcy, styled the *Sieur de la Beaute*, a French knight, who possessed the highest place in the governor's favour and confidence. In the end of the year, the truce with England was agreed to be prolonged from the ensuing midsummer to St. Andrew's day. Little progress had been made in settling points in dispute, and the interval which then remained, appeared too short for that work; especially as the winter intervening, would make it inconvenient for the commissioners of the two nations to attend the diets, wherein these affairs were to be discussed. Henry also mentions, as a motive to this prorogation, the intercession of the

Rym. vol. xiii. p. 574.

* Besides the crimes mentioned in the text, Drummond relates, there was another, with which the governor acquainted the judges, so gross and heinous, that it was on that account concealed from the public.

† According to Douglas, (from Crauford's Lives of Officers of State) lord Home was executed on the 11th of October, and his brother on the 12th. Doug. Peerage, 345.

‡ The Nether-Bow. H. Godsc. Lord Fleming succeeded Home as chamberlain for life. Lesly p. 384. Ker, Home's associate, according to some, was acquitted by the jury: according to others, escaped by corrupting his keepers, not without the connivance of the governor.

According to Buchanan, this was a period fruitful of calamities to all the sons of the Home family. The chamberlain, he relates, had three brothers besides William; of whom George was a fugitive, lurking in England for a murder he had committed; John the abbot of Jedburgh, was banished beyond the Tay; and David the youngest, who was prior of Coldingham, and in high esteem for his probity and parts, was about two years after the execution of his brothers, under pretence of a conference, drawn into an ambush by James Hepburn his sister's husband, and cruelly slain. Besides the five brothers mentioned on this account, Douglas mentions two more, viz. Patrick the fourth, and Andrew the sixth; and the names of all the seven brothers, he says, are to be found in an original entail. Douglas does not mention any sisters of these brothers.

Henry VIII. K. of England. A. D. 1517.

two kings of Castile and Denmark *. Albany was now bent on a visit to France, to which he had found some difficulty in obtaining the consent of the states of Scotland. But the French monarch having sent an embassy into Scotland, to solicit the renewal of the ancient league, the governor obtained, from a parliament held in March, a commission to go over to France as ambassador for that purpose †. Before his setting out on this journey, which was not until the beginning of the following June, he used every precaution he could devise, for preserving the peace and order of the kingdom during his absence. The supreme power was delegated to the two archbishops, and four of the principal nobles ‡, together with Sir Anthony Darcy. Each of these had particular districts assigned them, to be more immediately under their power and inspection. Darcy's district was the counties of Mers and Lothian. He had the government of the castle of Dunbar, which was his usual residence, and was also lieutenant or warden of all the marches.

June 7.

Drummond, p. 86.

Buchanan. Drummond. Pitscottie.

The courage, assiduity, and integrity, displayed by Darcy, in discharging the duties of his office, are highly celebrated; but the substitution of this stranger in the place of lord Home, by the very person who had so lately pursued that lord to death, could not fail, according to the ferocious ideas of those times, to render Darcy the devoted object of the malice and revenge of all the name and kindred of Home. It was not long before an opportunity offered, or as some relate, was contrived, for gratifying this horrid resentment. William Cockburn, uncle to the laird of Langton, had forcibly ejected from the castle of Langton, the tutors of his nephew, at that time a minor, and held the place; depending on the aid of Sir David Home of Wedderburn, who resided in the neighbourhood, and whose sister Cockburn had married. Darcy informed of this riot, went with all expedition to redress it on the spot, having in his company some of the neighbouring gentlemen, and some of his French domestics. While he was in vain requiring the castle to surrender, Sir David Home, attended with some horsemen, came up to him, and began to revile his master and himself for the death of his chief. The immediate consequence of these reproaches was a rencounter, in which some of Darcy's servants falling, and the rest of his company not being such men as he trusted, he sought his safety by a rapid flight which he directed towards Dunbar, but his horse, in whose speed he confided, falling or sinking in a marsh, a little to the east of Dunse, his fierce pursuers came up with him, and one of them

* This circumstance of the prorogation of the truce, till St. Andrew's Day 1517, being requested by the king of Denmark, is also taken notice of in a letter of the duke of Albany to the king of Denmark. Ep. RR. Sc. i. 263.

† Letters were given at Edinburgh, March 1, 1517, by the prelates, nobles, and communities of Scotland, recognizing the authority of Albany, and giving him unlimited powers of treating with the Pope, the French king, and all other princes.

‡ The two archbishops were, Forman and Beton. The earls were, Arran, Angus, Huntley, and Argyle.

A little before Albany set sail for France, the queen dowager returned to Scotland, and was received at Berwick by her husband the earl of Angus. Ample letters of safe-conduct, and of security for all her rights and honours, were granted to her, in name of the king, his tutor, and estates of the kingdom. Ep. RR. Sc. i. 265.

immediately

immediately struck off his head. This was carried in triumph to the castle of Home and placed on its battlements*. James V. K. of Scotland.

The remaining lords regents, alarmed at this audacious deed of the Homes, in order to the more speedy and effectual execution of justice against the transgressors, and for maintaining the public tranquillity, devolved their joint charge of the regency upon the earl of Arran; whom they also appointed warden of the marches. This choice was displeasing to the earl of Angus, who was farther provoked by Arran's seizing his brother Sir George Douglas, as one of the accomplices of Sir David Home of Wedderburn, and committing him to the castle of Edinburgh. On the same pretence, Mark Ker of Cessford, was imprisoned in the castle of Garvet. In a parliament held in the ensuing February, Sir David Home of Wedderburn, William Cockburn, and John Home, with several other partners of their guilt, which they had increased by flying from justice, and introducing Englishmen to their aid, were declared rebels. And immediately after the rising of this parliament, the earl of Arran marched into the Mers at the head of a considerable army, carrying with him some great ordnance, for reducing the places of strength that should make resistance. When he came to Lauder, about eight computed miles westwards from Home, the keys of that castle were sent to him. The strong houses of Langton and Wedderburn were also without opposition surrendered into his hands, and in all of them he placed garrisons, to hold them for the king †.

1517. Sept. 29. Drummond, p. 87.

A. D. 1518.

Although the fierce spirits of the Scottish chieftains deprived them of the blessing of domestic peace, their governor, during his absence, was careful to preserve tranquillity on the side of England. The truce, which was to expire on the last of November 1517, was prolonged for two years ‡; the questions, whereof the determination was necessary, in order to the conclusion of a lasting peace, remaining still undecided. The views of the French court with regard to England, agreeably to which the conduct of the regent of Scotland was chiefly regulated, were at this time pacific. Francis in order to recover the city of Tournay, which Henry had taken in his late war with France, and retained by virtue of the peace he had concluded with Louis XII. applied himself with all his might to court the avarice and vanity of the English cardinal. Having succeeded in these endeavours, a new treaty was concluded between France and England in October 1518, wherein Scotland, as usual, was comprehended as an ally of France. The conditions of this comprehension were precisely the same as in the two preceding treaties;

Rym. ib. p. 599, 602.

Oct. 2. Rym. vol. xiii. p. 631, 670.

* According to Lesly, it was first exposed on a pole or spear in the town of Dunse. Lesly, 38. Nothing more strongly marks the ferocity of the times, than what is related by Pitscottie, that Sir David Home of Wedderburn cut off Darcy's long flowing locks, and plaiting them into a wreath, knit them as a trophy to his saddle bow.

† At the same time, says Lesly, Arran made the most diligent search for the heir of lord Hales, to bring him to punishment for a cruel murder committed by him on David Home, prior of Coldingham. Lesly, 389.

‡ The Scottish regency and council complain of this truce being very ill observed by the English, who reseted Scottish rebels and made frequent inroads, Ep. RR. S. c. i. 294, 305, 309, in letters to Pope Leo, and to Christiern king of Denmark.

Henry VIII. K. of England.

1518. Dec. 21. Above p. 496.

only they were not included in the body of the treaty, but in a separate instrument *; which, however, was ratified by the French king with the same solemnity as the treaty itself. The term, beyond which the hostilities described in the treaty of 1514, if committed by either nation, were to render this comprehension of no effect, was, in the present treaty, the 25th of the ensuing December. In the course of this negociation between Henry and Francis, it was requested by the former and agreed to by the latter, that the duke of Albany should not be suffered to return to Scotland. But although Francis detained Albany for the present, yet foreseeing how useful he might be to France on some future occasion, in his character of regent of Scotland, he still encouraged and aided him to hold that office. After the murder of Darcy, a new French governor †, with a reinforcement of soldiers of that nation, was sent in Albany's name, to keep the castle of Dunbar. And on the expiration of the truce with England in 1519, La Fayette, who seems to be the same person who was employed by the governor, to carry his pacific proposals to the court of England in the summer of 1516, came into Scotland as ambassador from the French king, accompanied with Cordelle a French clerk, and the English herald Clarencieux, in name of his master, to procure the confirmation of a truce for a year and day, as being agreeable to both monarchs, and to which the duke of Albany had given his consent. This commission was executed with difficulty, on account of the strife between Arran and Angus, which was so violent that the ambassadors could not prevail with them, on so important an occasion, to meet together. The reason of the two kings concurring to procure this truce, was the prospect of an interview between them, which was agreed to be held on the marches of Calais, in the following summer; where accordingly they met, making on that occasion an extraordinary display of all the pomp and splendour of that age.

Herbert, Hen. VIII. 32.

Holingshed. Lesly, p. 389.

Lesly, p. 393. A. D. 1519.

Above p. 503.

Drum. p. 87, 88.

The time of the governor's absence was in all parts of the kingdom, fruitful of fierce quarrels and lawless deeds of violence; the offenders being protected by the faction with which they were combined, and each faction supporting the enemies of the other. These factions were chiefly two, the one headed by the earl of Arran, the other by the earl of Angus. The Homes were attached to the latter, both by their late lords engagements with Angus, and by Sir David Home of Wedderburn's being married to Angus's sister ‡. One desperate exploit naturally leading to another, Robert Blackater prior of Coldingham, together with six of his domestics, was, in the course of these confusions, slain by Sir David Home §; and William Douglas, brother to the earl of Angus, succeeded in that priory ‖. A quarrel, concerning the baili-

* This circumstance seems to have given rise to a report in Scotland, that the king of France had concluded this treaty, without making any mention in it of his ancient allies the Scots. Lesly, 389.

† He was called Maurice. (Lesly.)

‡ Her name was Jean. (Doug. Peerage.) But according to Godscroft, a better authority, it was Alison. She was married before to Robert Blackader of Blackader, and was his widow at the time of her marriage to Sir David Home.

§ This happened at Lamberton 6th of October 1519, according to Holingshed, p. 306.

‖ William Douglas was also abbot of Holyrood-house.

wick

James V. K. of Scotland. 1519.

wick of Jedburgh Forest *, having arisen between Angus and Sir Andrew Ker of Farniherst, who had formerly been a friend of the Douglasses and Home; Sir James Hamilton, a bastard son of the earl of Arran, who probably had the charge of the strong places in the Mers, out of which Arran had ejected the Homes, marched to the aid of Farniherst †, with some Mersmen, and *forty hired banditti* of the borders; but Ker of Cessford, who was warden of the middle march, and on the side of Angus in the present dispute, having with his followers met Hamilton at Kelso, the latter was deserted by the Mersmen, and obliged to fly for his life to the castle of Home; which he reached with difficulty, four of his servants being slain ‡. Not long after, Arran, Beton the chancellor, and the principal persons of the Hamiltonian faction, failed in a plot they had laid to seize the earl of Angus at Edinburgh, and were themselves, by the great bravery of Angus, and a chosen band of his followers, obliged to abandon the capital. Sir David Home of Wedderburn, George Home, brother of the late lord, and William Douglas prior of Coldingham, being advertised of the danger of their friends, arrived when the fray was near an end, with a powerful succour from the Mers §; and forcing an entrance through the eastern port of the town, contributed to complete and secure the advantage that Angus had gained. Angus, after giving his adversaries this defeat, continued strongest in the counties to the east and south of Edinburgh; and Sir David Home of Wedderburn, aided by Angus's countenance and authority, regained possession of the house of Wedderburn, and also of the castle of Home. In this, or the following year, George Home, brother to the late chamberlain, resumed his title ||, and together with Sir David and others of his name and dependence, took down the heads ** of his brothers from the place where they had been fixed, and gave them a solemn interment in the Black-Friars.

Four hundred, according to Lefly, p. 594.

Godf. p. 247, 248.

A. D. 1520. April 30.

Lefly.

The Scottish nobles were so much occupied with these intestine broils, that the truce with England had almost expired, before the regency of Scotland had taken any steps to obtain its renewal. The terms of its expiration was St. Andrew's-Day, and it was not until the 16th of November, that a letter was

Rym. vol. xiii. p. 727.

* The lands belonged to Angus, but the lairds of Farniherſt had the title and power of judges in them.

† The author in this work often follows the Scottiſh cuſtom, of deſigning gentlemen by the names of their eſtates.

‡ This attack on Sir James Hamilton, according to Home of Godſcroft, was made by John Somerville of Camnethen. Godſc. Hiſt. Doug. p. 244.

§ Conſiſting of eight hundred horſe. Godſc. p. 246.

|| Godſcroft ſays, that George lord Home was ever *lord*, after the time of taking down the heads of his brothers: but from an act of parliament in 1540, preſerved in lord Haddington's collections from the public records, it appears, that George was not legally reſtored till the year 1522, by a parliament held at Edinburgh Auguſt 12. *There*, his reſtitution to the eſtates and honours of his brother, is repreſented as the deed of the king, his three eſtates, and John duke of Albany his tutor.

** Leſly places the taking down the heads of lord Home and his brother on the 21ſt of Auguſt 1520. Godſcroft places this event on the 18th of July 1521. And ſays, that George Home and his aſſociates performed this office with the conſent of the regent Albany, when they were attending him at Edinburgh.

written

Henry VIII. K. of England. 1520.

written from the king of Scotland, by the advice of his lords regents and council, to the lord Dacres, who was then warden of all the English marches, and resided in the castle of Harbottle; informing him, that the great domestic affairs of the nation, (which were no other than the perpetual feuds of the nobles,) made it impracticable at that time to send ambassadors into England, in order to treat of a longer truce; and therefore entreating Dacres to obtain as soon as possible a commission from his master to negociate with the Scottish wardens, or any other deputed from the Scottish king, a truce for a year or a shorter time, promising, that in that interval an honourable embassy should be sent into England, to treat of a longer and more perfect truce. Dacres had, by virtue of his commission of warden, a power to conclude short truces, as exigencies might require; of this having advertised the Scottish regency, and expressing at the same time his desire of peace, and his surprise at their having so long deferred taking the proper steps to preserve it, a commission was given November 25th. to Thomas abbot of Kelso, to meet with Dacres at a place (*a*), which the latter had named, on the middle march; and *there* a truce was concluded to continue until the first of January inclusive. The abbot had carried along with him, the names of a list of Scottish ambassadors whom the regents purposed to send into England; for a safe-conduct to whom, Dacres was to apply to his court, and also for powers to himself to prolong the truce, until the return of these ambassadors. It is probable, however, that this long delay on the part of the Scottish regency, in a matter of so much moment, was in some degree owing to their expectation, that their affairs with the court of England would be managed by the duke of Albany and the court of France, as they had formerly been. The foundation of this conjecture is, that two ambassadors from France, Robert Stuart D'Aubigny, and the Seigneur de Planes, having landed at Dunbar on the 27th of November, immediately dispatched a letter to lord Dacres, or in case of Dacres's absence to the captain of Berwick, expressing great anxiety about the near approach of the expiration of the truce; and informing the English warden, that the king of France had dispatched them a long time before, to the king and lords of Scotland, in order to treat of a peace or prolongation of the truce between the kingdoms; but that certain unforeseen obstacles, together with the stormy weather they had met with at sea, had hindered their landing until the day of this letter's date: on which account they begged the warden to bethink himself of the best expedients for preventing the inconveniencies that might arise from the truce not being prolonged, and to acquaint them with his resolutions on that head. It appears from a letter of John Campbell of Thornton, who was then treasurer to the Scottish king, that the interposition of the French ambassadors in this matter, was not very agreeable to those of his faction, and that they rather desired to treat for themselves. What share the Frenchmen had in the subsequent transactions doth not appear; but there was another prorogation of the truce from the first of January to the first of February, by virtue of letters from the lords regents of Scotland, dated at Corstorphen, and accepted by Dacres the English warden. The abbot of Kelso, Andrew Ker of Cessford, warden of the middle march,

Nov. 22.

Rym. ib. p. 728.

(*a*) Heppeth-gatehead.

Nov. 29.

Rym. ib. p. 730.

Rym. Ib. p. 734.

Edin. Dec. 6.

Ib. p. 736.

A. D. 1521.

march, and Adam Otterburn of Auldham, three of the king's council, had another meeting on the 30th of January, with lord Dacres at Redden, and prolonged the truce from the first of January to the last of June: but if ambassadors were not sent from Scotland to the court of England before the 9th of April; the truce was to be understood to expire on the last mentioned day. Still the ambassadors were not sent, and the truce of consequence expired on the 9th of April; but nine days after, the same commissioners from Scotland had a meeting with Dacres at Carham, where, having represented to the English warden, that the lords regents had named ambassadors who had excused their not setting out by their want of health, and that a meeting of the regents could not be afterwards held in due time, for naming a new embassy *; it was agreed, that the truce should continue until the first of June, during which interval the king of Scotland should send to the king of England a knight, a clerk, or officer, at arms, to require a prorogation of the truce to St Andrew's day; which being obtained, an embassy from Scotland should be ready to set out towards the court of England, before the feast of Michaelmas. But this agreement was superseded by a new agreement, whereby the truce was prorogued until the ensuing Candlemas. To this the king of Scotland consented, at the earnest intercession of the French king, who had used the like instances with the king of England; in hopes, that during this truce, the council, states, and parliament of Scotland, would perform what his ambassadors had lately required, agreeably to the conclusion between the kings of France and England at their late interview at Ardres.

James V. K. of Scotland. 1521. Ibid. Ib. p. 744. Rym. ib. p. 745, 746.

Besides a few of the general articles common to all such conventions, the present contains stipulations for the proper care and keeping of the king's person, as well as for the honourable treatment of the queen his mother, and the security of her jointure. But after excepting and approving all these articles, a proviso was added, declaring that the duke of Albany, "the king's dearest "cousin and tutor, was, and should be comprehended by the king in this "truce, and should peaceably enjoy the benefit of the same, because he was "comprehended in other truces preceding the present."

This year was remarkable for the beginning of those wars, which were kindled on the continent, by the ambition and incompatible interests of Charles V. Emperor of Germany and king of Spain, and the French king Francis I. Henry VIII. appeared at first in the character of a mediator and arbiter between those potentates; but the avarice, ambition, and resentment of Wolsey, hindered his master from supporting that character with dignity

* Forman the archbiſhop of St. Andrews, one of the regents had died in this interval, and the reſt of the lords regents, dwelling in diſtant parts of the realm, could not aſſemble in time. But Keith places the death of this biſhop in 1522. Leſly alſo and Drummond place it in the ſame year. It is plain however, from a letter of the chancellor and eſtates of Scotland, to Pope Adrian VI. dated the 6th of February 1522, that Forman died in the year 1521. For they aſk of Adrian, that his holineſs would not ſuffer to be infringed; *quos octo menſes dudum ſanctiſſimus Leo apoſtolico Brevi, a die vacationis metropolis eccleſiæ divi Andreæ & monaſterii Dumfermling, in alios octo menſes prorogavit.* Ep. RR. Sc. 1. 327. The eight months ſpoken of, is the time granted by the Roman ſee, during which the king of Scotland's letters ſhould be waited for at Rome, before the Pope proceeded to beſtow the prelacies of his kingdom. Ib. 197, 211, 212.

and

Henry VIII. K. of England. 1521.

and advantage. Francis soon perceiving that Henry was going wholly over to the side of his enemy, in order to give him some work at home, allowed the duke of Albany to return to Scotland, where he arrived on the western coast, after he had been absent about four years and more than five months.

Nov. 19.

His return appears to have been agreeable to the bulk of the nation*; who hoped, that, by the vigorous exertion of his authority, domestic peace and security would be restored. He was particularly welcome to the queen, who had entered into confidence with him, while he yet remained in France, and had solicited the exertion of his interest with the court of Rome, to procure a divorce from her husband, whom she could never forgive for his infidelity to her bed, during her absence from him in England. Accompanied by the queen, the earl of Lennox, the Chancellor, and many other eminent persons,

Dec. 3.

the governor came to Edinburgh; where the first act of his resumed power was to depose the magistrates, who were all in the interests of the earl of Angus, and to substitute in their places men well affected to himself.

A. D. 1522. Holingshed.

A parliament being called to meet at Edinburgh on the 26th of January, a summons of forfeiture was proclaimed on the 9th of December, at the market cross of that city, by which the earl of Angus, his brother, the prior of Coldingham, and others † of that faction, were required to appear in parliament, to undergo trial for their offences. In these circumstances Angus is said to have supplicated his wife to intercede with the governor for pardon to himself and his brother; which was granted, on condition of their retiring by a voluntary banishment to France. The Homes and Cockburns who were concerned in the murder of Darcy, fled into England. Gavin Douglas bishop of Dunkeld, Angus's uncle, sought also his safety in that country ‡; and going to the court of Henry, endeavoured to excite in that monarch the most unfavourable sentiments both of the queen and the governor.

The governor either not fully resolved on a breach with England, or not sufficiently prepared for it, solicited Henry for a prorogation of the truce: but that monarch, much provoked at his return, and incensed by the complaints and calumnies of the bishop of Dunkeld, instead of paying any regard to

Rym. vol. xiii. p. 761.

Albany's pacific overtures, sent his herald (Clarencieux), to the states of Scotland, requiring them, as the price of his friendship, to depose Albany

* The states of Scotland in their letter to Henry, mentiond below, take notice of the familiarity in which Albany had lived with Popes, as well as with the greatest princes of Christendom. Rym. tom xiii. p. 762.

† These were, according to Holingshed, the lord of Wedderburne, the lord of Dalhousie, John Somerwell of Camnethem, and William Cockburn of Langton.

‡ An order, dated February 21, 1522, is given, in the king's name, and in presence of the governor, by the council and states of the kingdom; that the vicar-general of the vacant see of St. Andrew's should sequester the revenues of the bishoprick of Dunkeld; and that no person should correspond with the bishop, nor remit him any money. From this order, it appears, that the English had declared war against Scotland prior to its date. The bishop became a traitor, by going over to an open enemy. Ep. RR. Sc. vol. i. p. 328, 329.

Douglas solicited at Rome, by the interest of the king of England and the Emperor, for the archbishoprick of St. Andrew's, and abbacy of Dunfermling, vacant by the death of Forman. Ep. RR. Sc. ib. and p. 334.

from

from his charge of the king and government, and to expel him from the kingdom. The principal reason with which he enforced this demand was, the hazard of his nephew, while in the hands of the next heir to the crown; which hazard he represented as now greatly increased by the project the queen had formed to her own destruction and that of her son, of obtaining a divorce from Angus, in order to marry the governor. The Scottish parliament answered this demand of Henry in the same resolute strain as they had answered one of the same nature five years before. They vindicated the governor in the strongest terms; and expressed their resolution of adhering to him at all events. They declared their utter disbelief of the alleged purpose of marriage betwixt the queen and Albany; and freely censured the king of England and his council, for giving credit and entertainment to Scottish rebels and traitors, both now and during their late intestine troubles, without regard to the truce subsisting between the nations *. The same English herald who brought the letter to the Scottish parliament, was charged with others of like import to the governor and to the queen; and answers were returned to them in the same spirit.

James V. K. of Scotland. 1522.

Feb. 11. Rym. vol. xiii. p 761.

Herbert, p. 51.

As a farther prelude to an open breach between the nations, the lord Dacres warden of the west marches, by his master's command, entered Scotland in February, and proclaimed, that if the Scots would not agree to Henry's terms of peace, before the first of March, they might stand to their peril †. In April, seven great ships entered the Firth of Forth; but the coast was so well guarded, that they could do little hurt. The alarm, however, that they gave in that quarter, served to employ some part of the Scottish forces, and to divert them from making any attempts on the English borders. The English monarch occupied with the reception and entertainment of the emperor, who in his way from Flanders to Spain, spent about six weeks of the summer in England, seems to have been content with keeping on the defensive on the marches towards Scotland. But soon after Charles was gone ‡, the earl of Shrewsbury was created the king's lieutenant-general and commander in chief of the army and navy to be employed against the Scots. But still the English enterprised nothing of moment. In a sudden incursion

Holingshed. Stowe, p. 515.

July 30. Rym. ib. p. 772.

Lesly, p. 399.

* They charge Henry as suffering his wardens and officers on the borders, continually to aid, favour, and refett, the rebels, traitors, and broken men of this realm; inciting them to the contempt of their and our sovereign lord's authority, riding with convocations of thieves, traitors, and murderers, their accomplices, so many as they might be, and as far within the land as they durst, robbing, spoiling, and overthrowing the true lieges of this realm, at their power. Rymer, vol. xiii. p. 762.

† Stowe says, that Dacres entered Scotland on the 8th of February, and that when he made this proclamation, the duke of Albany was within five miles, with a mighty power of Scots. Stowe, p. 515.

‡ The emperor left England in the end of June. In the beginning of July, according to Hall, Henry ordered all the French and Scots in his kingdom to be imprisoned and their goods seized. According to Lesly, the Scots were ordered to be marked with a cross and sent home to Scotland. Denizens were spared, on shewing their letters patent, and where the imprisoned or expelled had wives or children, half of their goods were allotted for their maintenance.

Henry VIII. K. of England. 1522.

they burnt one part of Kelso *, and plundered the other; but the Scottish borderers of the counties of Mers and Tiviotdale, though greatly inferior in number, obliged him to retire with considerable loss.

Much about the time that Shrewsbury received his commission from the king of England, the governor of Scotland held a parliament at Edinburgh, where an expedition was decreed against England; both in revenge of their own injuries, and in aid of their ancient ally the French king, by whom they had been most earnestly solicited to attack, with all their might, the common adversary of both nations. The chief strength of the English being then on the eastern borders, the governor proposed to make a diversion by entering their country on the other side; and, accordingly, having collected a numerous army in the neighbourhood of Edinburgh, led it with all expedition towards the western march. But when he had arrived on the side of the river Esk, his progress was stopped by a sudden declaration of the Scottish nobles, that they would not accompany him into England. They alleged, that a defensive war would alone be safely waged during their king's minority; that fighting battles in England was to hazard far too much in the cause of France, and that the late fatal overthrow at Flodden was an admonition too dreadful to be soon forgotten. The governor, utterly disconcerted with this combination, was glad to procure, by the intercession of the queen-mother †, a meeting with Dacres the English warden, in order to treat of a truce. To this Dacres readily consented; having no sufficient force to oppose to the numerous host of Scots that were ready to pour into his country. It was a condition of this truce, that ambassadors should be sent to the English court to propose the re-establishment of peace between the kingdoms: this embassy was accordingly sent in October, but the ambassadors insisting, agreeably to their instructions, on France being comprehended in the proposed treaty; and Henry refusing this, and proposing, on his part, conditions equally inadmissible by the Scots, this forced attempt towards a pacification had no effect ‡. In the beginning of winter the governor passed over to France, hoping to return with such a body of foreign soldiers, as would render his future expeditions into England more successful.

July 24. Acts of parliament.

Lesly, p. 401.

Sept. 11.

A. D. 1523. Feb. 26.

In the following spring, the chief command of the war against Scotland, was conferred on the earl of Surrey, the English lord treasurer and admiral; the same who led the van of his father's army in the field of Flodden; and who, the summer before, being intrusted with conveying the emperor to Spain, had the honour of being appointed by him admiral of his fleet. The marquis of Dorset was about the same time appointed warden or lieutenant of the east and middle marches; the lord Dacres continuing to enjoy the warden-

Rym. ib. p. 782.

* Hall ascribes the burning of Kelso to lord Ross and lord Dacres; and says, they burnt eighty villages besides, and overthrew eighteen towers of stone, with all their burnkins or bulwarks. Herbert does not mention Ross; and according to Dugdale, the last lord of that name died in 1508.

† The queen, though absent, was believed to have instigated the nobles to their resolution of not entering England; *etsi absens hujus tamen consilii auctor nobilibus fuit.* Lesly, p. 405.

‡ Howbeit, says Herbert, the truce was prolonged.

ship

ship of the west *. Dorset had also two lieutenants appointed under him, Sir William Bulmer for the east, and Sir William Eures for the middle-march; who had salaries assigned in their commissions for themselves, and for four deputies and four serjeants † to each of them.

James V. K. of Scotland. 1523.

The earl of Surrey, with Dorset and Dacres, were, early in the spring, at their posts on the borders. Dorset, with Sir William Bulmer, Sir Anthony Darcy, and other persons of note, made an incursion into Tiviotdale in the beginning of April; and after having burnt several villages, returned the next day into England with a great booty of cattle ‡. The Scots shewed themselves on the neighbouring hills, and took or slew some of the straggling marauders, but had not sufficient strength to adventure an engagement with their enemies. Surrey is said to have had under his command ten thousand mercenaries, besides other forces §; which gave him a superiority all the summer over the Scots in his neighbourhood. He ravaged, with little or no resistance, Mers and Tiviotdale, and overthrew the places of strength in these provinces: but after he had dispersed his forces, the Scottish borderers endeavoured, in the usual manner, by inroads into England, to revenge the losses they had sustained. To repress these marauders, Surrey again collected a body of six thousand men, and directing his march towards Jedburgh, where he knew a great number of Scots lay, he assaulted the place; which, though without fortifications, was obstinately defended; but was taken by the English, after the loss of many lives on each side. The English incensed by this resistance, burnt the town, and demolished its ancient and beautiful monastery. Surrey remained with his army in its neighbourhood three days; during which time lord Dacres took the neighbouring castle of Farniherst; after a valiant defence, by Sir Andrew Ker its lord ||, who with the laird of Gradon and others were made prisoners.

Hall, fol. 106. March 6. Buchanan. Lesly, p. 406, 407. April 2.

Sept. 24.

* Holingshed, from Lesly, says, that the earl of Northumberland was at this time made warden of all the marches; but soon after began to solicit to be discharged from that office, and ceased not till he obtained it. Holingf. p. 309. So also Hall, fol. 105. By his declining this service, the earl of Northumberland, according to Hall, suffered greatly in reputation, and even incurred the contempt of his own tenants.

† Called Warden-serjeants. So the commission. The wages of the lieutenants were 100 merks a year. Every one of the deputies had 10*l per ann.* all to be paid out of the exchequer at the feasts of Michaelmas and Lady-Day. Dorset's wardenship did not continue long; for in the beginning of the following September, it appears that lord Dacres was warden-general of the borders of England, opposite to Scotland. Letters annexed to Hearne's Otterb. and Wethamst. p. 582.

‡ Hall says, that Dorset entered Scotland on Shere-Thursday, and on the next day, being Good-Friday, returned with his booty; which was four thousand head of neat. The places burnt by the English were, Grimslay, Mowhouse, Dufford Mylles, Aikeforthe, Crowlyng, Nowes Maner, Midder Crowling, Marbottel, Low Bog, Sessforth Maner, Middle Rigg, Primsed, Broket Shawes, Harvel, Wideopen Haugh, and other towns and villages.

§ *Cum decem millibus mercenariorum et amplis auxiliis.* Buchanan.

|| Usually called *Dand Ker*; the second laird of Farniherst, which house or castle was built by his father Thomas, about 1490. There were seven of the name from about 1330, entitled of *Kers Haugh*. The present Sir Andrew possessed the estate from 1499 to 1545. He married Janet daughter of Sir Patrick Hume of Polwarth. Douglas's Peerage.

Henry VIII. K. of England.

1523.

When the duke of Albany set sail for France in the former year, he promised to return before the first of August in the present. But this was rendered impracticable by an English fleet, under Sir William Fitzwilliams, which guarded, during all the summer, the seas and French ports. The address of Albany overcame this difficulty; he concealed the troops he intended to embark, by removing them to a distance from the coast; and also distributed the vessels that were to carry them, into several different ports, so that there might not be any where the show of a fleet. The English admiral, deceived by this management, abandoned his cruize, and retired into port about the middle of August. When the seas were thus open, Albany, with great expedition, collected his ships, embarked his troops, and setting sail from Brest, about the middle of September, arrived on the coast of Arran, on the day that Jedburgh was burnt by the English. He brought over with him, on board a fleet consisting of fifty ships, three thousand foot and one hundred gens-d'armes *.

Holingshed. Hall. Lesly. Buchanan.

The Scottish nobility being immediately summoned to meet at Edinburgh, it was there agreed, that an army should be assembled with all speed, to be led, in conjunction with their foreign auxiliaries, against the English. The rendezvous of the army was in Douglas-dale, to which they were summoned to repair with twenty-eight days provisions; and thence they marched towards Melrose. After the greater part of the army had passed a wooden bridge over the Tweed, in the neighbourhood of that place, the Scottish nobles, making the same objections as they had done last year upon the Esk, against marching into England, those who had crossed the river returned †, and the whole army marched down the north side of it to Coldstream. There it was resolved to attempt the reduction of the castle of Wark, situated a little above Coldstream on the opposite side of the river, the fortifications of which castle the earl of Surrey had lately repaired: George Buchanan, the celebrated poet and historian, carried arms in this expedition, and gives us the following description of the castle, as it then stood. In the inmost area was a tower of great strength and height. This was encircled by two walls, the outer including a large space, into which the inhabitants of the country used to fly, and carry their flocks and corn in time of war: the inner of much smaller extent, but fortified more strongly by ditches and towers. The captain of this castle was Sir William Lisle; it had a strong garrison, good store of artillery and ammunition, and other things necessary for defence. The duke of Albany

Oct. 18. Buchanan. Lesly. Holingshed.

* He was accompanied by Richard de la Pole, a pretender to the crown of England; claiming as the son of Elizabeth eldest sister of Edward IV. and alleging, on the same grounds with Richard III. that the issue of Edward by Elizabeth Widdeville was illegitimate. Richard de la Pole was entertained in France; and when that nation was at war with England, was supported by Francis in his pretensions to the English crown. He was slain at the battle of Pavia in 1525. Carte, vol. iii. p. 61.

His elder brother, who, from a jealousy of these pretensions, was imprisoned by Henry VII. was put to death by Henry VIII. on the breaking out of his first war with France.

† This circumstance is mentioned by Buchanan, who was present in the expedition; otherwise it might be passed over as a factious tale: for after the Scots had crossed the Tweed at Melrose, they were still many miles distant from the English border.

sent

sent over the Tweed some battering cannon, and a chosen band of Scots and French, consisting of three or four thousand under the command of Andrew Ker of Farniherst. A body of horse was also sent over to scour and ravage the adjacent country, and to cut off the communication between it and the castle *. The French carried the outer inclosure at the first assault. The garrison drove them out of it by setting fire to the corn and straw that were laid up in this inclosure. But the besiegers soon recovered it, and made a breach by their cannon in the inner wall. By this breach an assault was given, in which the French shewed great bravery; but the English resisting with equal vigour, and the assailants being sore galled by the shot of those who were above them in the tower or donjon, were at last obliged to retire, after a considerable slaughter on both sides †. A new assault was to have been made the next day; but a great fall of rain happening in the intervening night, obliged the whole detachment employed in the siege to return to the main army, lest the sudden overflowing of the Tweed should have rendered their retreat impracticable.

James V. K. of Scotland. 1523.

Buchannan, Nov. 3.

During this expedition of the Scots, the earl of Surrey was at Alnwick with a great army ‡; and the marquis of Dorset with six thousand men was at Berwick, which Albany, it was believed, intended to besiege §. According to Lesly, Albany, after abandoning the siege of Wark, sent by an herald a challenge to Surrey, to meet him in battle on the borders of Scotland; which Surrey refused, on pretence of his commission restricting him to wage a defensive war. The English writers represent the dread of Surrey's approach, as the chief cause of the Scots abandoning the siege of Wark. And Hall, in particular, informs us, that the Scots had scarce got their ordnance over Tweed, when Surrey with five thousand men on horseback arrived at

Buchanan. Lesly. Hall, fol. 116. Holingshed.

* These, according to Lesly and Holingshed, made an inroad into the neighbouring district of Glendale, where they burnt and plundered some towns, and demolished some piles or strong houses, Holingsh. Sc. Chron. p. 311.

† Holingshed says, that part of what he calls the castle, he means the tower or donjon, was beaten down by the artillery on the other side of the Tweed. But Buchanan affirms, that when the assault was made, the tower (*Arx intima*) was entire. It appears, however, that the roof of the donjon was hurt, by a letter of Cardinal Wolsey to lord Dacres in the following June; in which the cardinal writes, 'that it was the king's pleasure that as much lead might be spared 'from Dunstanburgh, as should be employed in repairing the donjon of Wark.' Ap. Otterb. p. 616.

‡ Surrey was joined at Alnwick by the earls of Northumberland and Westmoreland, the lords Clifford, Dacres, Lumley, Ogle and Darcy. There came also from court, to be present at the expected battle, Sir Nicholas Carew master of horse, Sir Francis Brian, Sir Edward Boynton, and others. The English army, according to Hall, consisted of forty thousand men.

§ Anthony Ugtredde, at that time, I suppose, captain of Berwick, wrote to the earl of Surrey, on the 12th of October, 'that he had received certain intelligence 'from one of his 'neighbours in the Mers (he calls him my lord David Home) [Who is meant here? the present 'lord Home's name was George; his brother David was prior of Coldingham] that the duke 'of Albany was coming to Berwick and no other place.' Part of Albany's army was then at Lauder. Surrey had promised to send four thousand men for the defence of Berwick. And Ugtredde mentions in this letter, a *platform with maundes* (*a*); i. e. a fascine battery, or rather battery with gabions, which Surrey directed to be made; and Ugtredde blames the lord Dacres for its not being executed. Ap. Otter. p. 631.

(*a*) *maunde* signifies *basket*.

Wark;

Henry VIII. K. of England. 1523.

Wark; the rest of his army following him. He adds, that when Surrey arrived, three hundred dead bodies of the assailants, most of them Frenchmen, who were slain in the last attack, lay still unburied on the spot where they had fallen. The same writer represents Albany as marching off his army from the Tweed, immediately after he had raised the siege of Wark. Buchanan relates, that the Scottish army kept their place on the side of the Tweed eight days longer; but acknowledges that it was the certain intelligence Albany had of the approach of the numerous forces of the English, and the aversion he perceived in the Scottish nobles to fight, that determined him to retire. His first march was to Eccles, where there was, at that time, a convent of nuns: setting out thence at midnight, the army proceeded to Lauder; which was a very distressing march, both to men and horses, by reason of a sudden storm of snow *; and this severity of the weather obliged also the English army to disperse and retire.

Nov. 13.

Lesly, Herbert.

The winter passed without any mutual incursions, which historians ascribe to a truce; but there seems to have been no formal truce during this period †. Yet there was a correspondence carried on with the English court, both by the queen-dowager ‡ and the duke of Albany; in which pacific overtures were made, and the consequence of which seems to have been an abstinence from hostilities. The queen corresponded with the earl of Surrey, and conveyed by him her letters to her brother: and when Surrey was the king's lieutenant on the borders, she gave him intelligence concerning Scottish affairs, Albany addressed his proposals to Dacres, warden-general of the marches, by whom they were conveyed to the English cardinal: and the cardinal's answers were returned by the same channel. The cardinal was very desirous that Albany should come in person into England; and endeavoured to flatter his ambition with the hopes that they two might be able to restore peace, not only between England and Scotland, but over all Christendom §. Henry was at this time engaged in high projects on the side of France ‖; where Francis was reduced to great distress by the loss of an army in Italy, and by

App. to Otterb. p. 596.

Ib. p. 625, 630.

Ib. p. 586.

Ib. p. 589, 594.

Ib. p. 590.

* Buchanan says, he joined the French auxiliaries in this expedition, with a view of learning the art of war; but his march, in returning, through deep snow, and in most severe weather, made him relapse into an illness from which he had lately recovered, and which confined him to his bed all that winter. Buchanan's account of his own life.

† None are published by Rymer.

‡ This correspondence, and the subject of it, appear from a small collection of original letters from cardinal Wolsey, and the queen-dowager of Scotland to lord Dacres warden of the English marches, published by Hearne in his Appendix to Otterburne and Whethamstede, vol. ii. p. 574, seq.

The queen pretended not to have seen the duke of Albany since his last coming into Scotland, and to be in no concert with him; remaining with her son at Stirling; but her brother and Wolsey were diffident of these professions, and suspected that Albany made a fool of her.

§ Occasion was given to this, by Albany's insisting, that France should be comprehended in any treaty of peace or truce that should be made between England and Scotland.

‖ He and the Emperor, supporting Bourbon and those who were expected to follow him in his revolt, hoped to make a conquest of France and share it among them. On which event, Henry's share was to have been Normandy and Guienne, the possession of his ancestors, together with the title of king of France. Herbert.

the

the desertion of the constable of Bourbon to the Emperor. And perhaps Wolsey entertained some expectation of prevailing with Albany, by his arts or offers, to follow the example of Bourbon*: but Albany was unshaken in his fidelity to France; and, at the same time, an equal match for the cardinal in the chicane of negociation. By this address, together with Henry's great expences in carrying on war with France, and particularly in supporting Bourbon, who was preparing to invade France from Italy, very little annoyance was given to Scotland either in winter or spring, and the queen-dowager and Albany seem to have concurred in their endeavours to suspend during the same period, all hostilities against England.

James V. K. of Scotland. 1525. Ib. p. 598, 599, 600, 612.

But the duke of Albany found his situation in Scotland extremely uneasy, by the factious opposition of the Scottish nobles; proceeding, perhaps more from jealousy and envy of superior parts and power, than from an aversion to the duke's zealous attachment to France. These discontents of the Scottish nobles, were carefully fomented by the secret practices of the English court: and a considerable number of them, in concert with the queen-dowager, entered into project of putting the reins of government into the hands of the king, although not yet thirteen years of age. The queen was earnest for this change; from her hope of obtaining the greatest share of dominion, by her ascendant over her son †; while the nobles flattered themselves, that, by getting the person of the young king into their hands, they would at the same time attain the possession of his royal authority; of which the minorities of former kings afforded sundry examples. Albany, either despairing to overcome the combination that was formed against him, or hoping to bring such aids from France as would render him too strong for his adversaries, set out for that kingdom in the end of May. He promised to return before the first of September, with new and great supplies for defence of the kingdom: and in case he did not, he advised the king, with the concurrence of the three estates of his kingdom, to assume the sovereign administration into his own hands. But that he might not abandon all his power in the kingdom, he left a garrison of Frenchmen in the castle of Dunbar, who held it for him a considerable time after his return was despaired of.

A. D. 1524.

App. Otterb. p. 601.

Ep RR. Sc. vol. i. p. 352. 355.

After Albany's departure, the correspondence was still continued between the queen-dowager of Scotland and the court of England; but the project of peace not being brought to maturity, nor any truce subsisting, there were mutual incursions in the months of June and July, both on the eastern and western march. On Trinity Sunday, five hundred Scotsmen passed the Tweed at different fords, and lay in hollow grounds near the highway, with a view of intercepting the traders and others going to a fair in Berwick, which began on that day. They took much spoil, and made many prisoners; but being attacked near Brankston by a body of Englishmen, who gathered on the alarm,

Lefly. Hall, fol. 129.

June 21.

* Angus, returning from France, informed the Engliſh cardinal, that the king of France and his mother had no ſmall ſuſpicion that Albany was of the faction of Bourbon. App. Otterb. 619. Alſo ibid. p. 602.

† The letters publiſhed by Hearne, give but a mean opinion of her capacity; but this defect would not make her leſs fond of governing.

and

Henry VIII. K. of England.

1524. July 5.

and were joined by the young lord of Fowberry, at the head of one hundred light horse, a fierce skirmish ensued, in which the Scots were defeated, and in their flight two hundred of them were taken. In the beginning of July, nine hundred Englishmen led by Sir John Fenwick, Leonard Musgrave, and the bastard Heron, made a plundering inroad into the Mers; but being suddenly attacked by a much greater number of Scots, they were obliged, after a stout resistance, to seek their safety by flight. A considerable number were slain, and among these the bastard Heron: two hundred were taken prisoners, among whom were Sir Ralph Fenwick, Leonard Musgrave, and other persons of note *. The lord Maxwell, in an inroad made into England by the western march, had almost undergone the same fate with the English marauders in the Mers; but he extricated himself by his valour and address, and carried off a number of English prisoners to his own country.

Letters in App. to Otterburn, p. 617.

About a month after Albany left Scotland, the earl of Angus and his brother William, having made their escape out of France, arrived at the court of England †. Henry gave them a welcome reception; as no person could be more proper to oppose to Albany, than the head of so great a Scottish family, and who had at the same time so sharp a resentment against that regent. The great difficulty about employing him in the intended revolution in Scotland, into the project of which Angus very heartily entered, was the incurable aversion that the queen entertained against him. And hence, although he was sent down to the borders soon after his arrival; yet the lord Dacres was instructed not to suffer him to enter into Scotland, nor to intermeddle with affairs there, until it was known what success should attend the practices of the queen.

Ib. 624, 627

It is probable, that these practices were forwarded by the queen's desire of executing her plan, without allowing her husband any share of the honour and advantages of it; and of shewing the court of England, that the return of Angus into Scotland, was no way necessary for effectuating its projects in that kingdom. The earls of Arran, Lennox, and other nobles, entering into the queen's views, removed the young king from Stirling to Edinburgh, in the end of July, and there put into his hands the administration of the supreme power; which was to be carried on with the concurrence and advice of his mother, and a council of some of the chief lords and prelates in the kingdom. The king of England, upon this revolution, ordered a cessation of hostilities, and sent Thomas Magnus a clerk, and Roger Ratcliff a gentleman, to be his residents at the court of Scotland. The duke of Norfolk, treasurer and high-admiral of England, was also sent down in his former character of

July 29. Herbert, p. 62. 63.

App. to Otterb. p. 624.

* This is Lefly's account; but, according to Hall, the Engliſh carried off two hundred priſoners which they took in this engagement; and he aſcribes the taking of Sir Ralph Fenwick, &c. to their eagerly purſuing too far the Scots who were defeated and flying.

† Cardinal Wolſey, in a letter to lord Dacres 6th July, ſays, "That firſt William Douglas, "and afterwards his brother the earl of Anguiſh (ſo ſpelt), having fled and ſecretly eſcaped out "of France, had lately arrived; and that the king and himſelf had had ſundry communi-"cations and conferences with the earl, who he ſays, was greatly improved in wiſdom and po-"licy during his ſtay in France."

lord

lord lieutenant of the northern parts *, to give support and counsel to the queen and her party, in effecting this change; and Norfolk was joint commissioner with the lord Dacres, in concluding at Berwick, a formal truce between the kingdoms for three months. The Scottish commissioners for negociating this treaty were, Gilbert earl of Cassils, Sir William Scott of Balwerry, and master Adam Otterburn of Auldham, appointed by the king of Scotland, with consent of the queen his mother, and *the three estates of his realm* †. The treaty itself declares, that the king of England had been moved by the earnest entreaties of his sister, to consent to an abstinence from war, in order to the sending an embassy to him from Scotland, to treat of a longer or perpetual peace; that, accordingly a cessation of hostilities by land and water was now concluded, to continue until the first of December; an obligation was to be given, and was actually given on the following day, by the Scottish commissioners, that the embassy abovementioned should be sent, during the truce, to the king of England; meetings were to be held at the usual places, by the officers of the marches, where injuries were to be redressed in the manner prescribed in the treaty of perpetual peace between Henry VII. of England and James IV. of Scotland; and such redress of injuries was to extend to the time of the short truces that had been lately concluded by the wardens, the one from the 11th to the 25th of August, and the other from the 26th of August to the 8th of September. It was also an express article of this truce, that, if the duke of Albany should return into Scotland before its expiration, and be admitted to the peaceable possession of his revenues and authority, as governor of the realm, in that case, the present convention should be void and of no force.

James V. K. of Scotland. 1524. Sept. 4. Rym. vol. xiv. p. 21.

From these transactions with England, it sufficiently appears, that, at the time of them, the removal of Albany from his office was fully resolved upon by the bulk of the Scottish nobles; and in effect accomplished. This revolution was much promoted by the distressed situation of France, from the constable of Bourbon's invading that kingdom, and laying siege to Marseilles; which made it impossible for Francis to do any thing to support Albany or his interest in Scotland. But Henry, suspecting that Arran, notwithstanding his late acting in concert with the queen, was friendly to France, allowed Angus to return in October ‡ into Scotland, notwithstanding the opposition made by the queen dowager. A Scottish parliament meeting in the following month, deposed Albany from the regency by a formal decree; which, as the time of his promised return was then so long elapsed, they founded upon his desertion of his charge and the hurt thence arising to the kingdom. Two days after

Keith's App. No. 5. Nov. 16.

* The earl of Surrey had become duke of Norfolk, by the death of his father, on the 24th of the preceding May. Dugd.

† So the commiſſion runs.

‡ The king at Angus's departure took his obligation. 1. To procure and maintain the young king's authority, to the excluſion of the duke of Albany. 2. To ſeek with all humility to be reconciled to the queen. 3. To cultivate friendſhip with Arran, while he maintained the authority of the young king and averted him from France; whereupon alſo Henry promiſed, that if Arran behaved otherwiſe, he would maintain Angus againſt him. Herbert, p. 63.

Henry VIII. K. of England. 1524.

this decree of the Scottish parliament, a commission was given in the king's name, with advice of his parliament and consent of his mother, to three ambassadors to go to the court of England *; to treat of a marriage between their king James, and Mary daughter of Henry, and also of a peace or truce between the kingdoms. These ambassadors, at their entering into England, concluded a truce with lord Dacres, who had met with them somewhere on the marches, to continue for two months after the expiration of the former. And on the 5th of the following January, the ambassadors concluded with Norfolk and Dacres at London, another truce of the like extent, to commence on the 26th of January, and to expire on the 23d of March. From the indentures of these truces, it appears, that certain points which the Scottish ambassadors had in charge to negociate with the king of England, could not be settled without additional powers and instructions from their own king and his council; in order to obtain which, the ambassadors had resolved that Cassils should go to Scotland; and to give time for his going and returning, and also for the quiet return of all the ambassadors, in case that nothing should be concluded, the truce last mentioned was agreed upon. The points which puzzled the Scottish ambassadors, were two proposals made by Henry, as conditions of giving his daughter in marriage to James. These were, that the king and states of Scotland should renounce its ancient league with France, and conclude one of the same tenour with England; and that the young king should be educated, and reside at the court of England, until he attained to the age fit for marriage. Cassils, having received instructions on these heads, from a Scottish parliament that met in the end of February, returned to London in the following month †, in order to resume the negociation of peace, and of the proposed marriage. But advice of the battle of Pavia, wherein the king of France had become the emperor's prisoner, having arrived at London before Cassil's return, opened a new and unlooked-for scene, which engaged the whole attention of the English court, and delayed any conclusion in the matters in agitation with Scotland. To give farther time for the dispatch of these matters, and for the return of the ambassadors to their own country, another short truce was concluded, to continue from the 23d of March to the 15th of May.

Rym. vol. xiv. p. 27.

Nov. 29. Ib. p. 28.

A. D. 1525. Ib. p. 30.

Herbert. Lefley.

Feb. 24.

Rym. vol. xiv. p. 35.

The earls of Argyle and Lennox, who were not admitted by the queen and Arran to the share they thought due to them, in the administration of public affairs, soon combined with Angus for making a more equal partition of power. The queen and Arran, dreading the strength of this combination, shut themselves up with the king in the castle of Edinburgh, and proclaimed the meeting of the parliament, called in February, as was above related, for

* Theſe were, Robert Cockburn biſhop of Dunkeld, Gilbert earl of Caſſils, and Alexander Mill abbot of Cambuſkenneth.

† Herbert ſays, that Caſſils returned to Henry with the reſolution of the Scottiſh nobility and letters from queen Margaret, ſhewing that the lords of Scotland would be content to relinquiſh the French, provided the match with the princeſs Mary were made ſure; but they required, that the promiſe by which ſhe had been engaged to the Emperor (in 1522), ſhould be firſt diſcharged. Henry hearing this, ſaid he would confer with the Emperor about it. Thus Herbert, who commonly writes from good authorities: but what he adds, that the Scottiſh ambaſſadors departed in April, having concluded a treaty for three years and a half, is inaccurate.

giving

James V. K. of Scotland. 1525.

giving instructions to the earl of Cassils, to be held in the castle, instead of its usual place of meeting in the city. Angus, and his associates, refused to give their attendance in a place where they must have been in the power of their enemies: and in order to oblige the latter to abandon their strong hold, environed it with an armed band of two thousand men, and cut off from it all supplies of provisions. The castle, on the other hand, fired on the besiegers, and on the houses of the city which covered them. This strife was composed by the mediation of churchmen; and Angus, together with Arran, Argyle, and Lennox, the two archbishops, and the bishops of Aberdeen and Dunkeld, were appointed members of the king's privy council, and the queen to preside as the principal and odd person in it. To these was committed the administration of all public affairs. The queen had also the principal charge of the king's person, and free access to him at all times; and she and the council had the choice of his other attendants. This charge in the summer following, the counsellors distributed into a quarterly attendance of two of their number, a lord and a prelate, having for their assistants certain lords of each estate. The earl of Angus, and Gavin Dunbar archbishop of Glasgow, were the first pair of counsellors, who, according to this arrangement, had the keeping of the king *; and an occasion was thereby presented to Angus, of seizing into his own hands, together with the person of his sovereign, the administration of the royal power. He was favoured in this enterprise by the aversion and resentment of the queen; who, complaining of his promoting his brother William, already abbot of Coldingham, to the abbacy of Holyrood-house, without asking her consent, or that of the other counsellors, retired in displeasure with her friends to Stirling; thus leaving the king entirely in the hands of Angus and his faction. The power of his sovereign was soon employed by the ambitious earl, in conferring the chief offices of state on himself, his relations, and favourites: he himself had the wardenship of the east and middle marches, his uncle Archibald Douglas was made treasurer, and his brother Sir George great chamberlain.

Keith's App. No. 5.

July 17. Ibid.

Godscroft, vol. ii. p. 85. Small edition.

Rym. vol. xiv. p. 91.

The emperor, not supporting the same character of moderation which he affected to display on his first receiving intelligence of the king of France's captivity, and having also offended the pride of cardinal Wolsey; the king of England thought it wise to abandon his over-grown ally, and to enter into a negociation with Louise, the mother of Francis, and queen-regent of his kingdom. This negociation issued in a treaty of peace, wherein Scotland, as usual, was comprehended as one of the allies of France. But a separate convention was added to the treaty, of the same tenour with that annexed to the treaty of 1518; declaring, that the hostilities described in the treaty of 1514, if committed by either nation, after the 25th of the ensuing December, should render this comprehension of no effect. By another separate convention, Francis, and the queen-regent, obliged themselves to give no manner of aid or counsel to the duke of Albany to enter into the dominions of the king of Scotland, while his minority continued.

Aug. 30. Rym. ib. p. 74, 75.

* Angus and the archbishop had, for their assistants, the bishop of Orkney, the earl of Morton, the abbot of Holyrood-house, the lord Seton, and the abbot of Arbroath.

Henry VIII. K. of England. 1525.

In what manner the peace had been maintained between the kingdoms, after the 15th of May, the day on which the truce concluded at London, on the 23d of March expired, doth not appear. It is probable, it was by a series of short truces, concluded from time to time, between the wardens of the marches. In the end of September, the earl of Angus, undoubtedly informed of the treaty between France and England, which was concluded and signed in England a month before, received a commission, in conjunction with his fellow counsellor the archbishop of Glasgow, Sir George Douglas his brother *, and others, †, to treat with commissioners, from the king of England, concerning a confirmation of a peace between the kingdoms. Henry, on the 27th of August, had given a commission, in the usual form, to the earl of Westmoreland, the bishop of Carlisle, the lord Dacres, and three others ‡, to treat of a peace or truce with Scotland. These commissioners of each nation met at Berwick on the 10th of October, and there concluded a truce for three years; but they agreed to meet again at the same place in January, in order to interchange the seals and writings necessary to corroborate and perfect the treaty. It is probable, the powers of the Scottish commissioners were objected to; for a new commission was given them on the 6th of January, declaring, that they were appointed with the advice of the three estates of the kingdom assembled in parliament, and in this commission the term of three years, for which they were empowered to negociate a peace, was particularly specified.

Rym. vol. iv. p. 91.

Ib. p. 114.

A. D. 1526.

Ib. p. 113.

In the interval between the meetings of commissioners at Berwick, an effort was made by the earls of Arran, Argyle, the archbishop of St Andrew's, and others of the queen's party at Stirling, to oblige Angus to yield the keeping of the king to the queen, and the other counsellors in their turns. They sent a messenger to Angus, to charge him in their name, with the high guilt of holding his sovereign in an involuntary subjection, and of debarring from their share in the administration of public affairs, those, who by the appointment of the states of the kingdom had an equal title to it with himself; and they required from him an immediate redress of these enormities. To confute this accusation of his violently detaining the king, Sir George the earl's brother, had the address to prevail with the king, to declare to the messenger, his entire contentment with the company of Angus, and the treatment he received from him, and his desire to remain in his present situation. But this declaration was given only to gratify those who had him in their power. He felt the indignity of Angus's usurpation, earnestly desired to be free, and found means to make his secret wishes known to the queen and the lords of her party. Upon this the lords assembled some troops, and advanced as

Drummond, p. 94. Lesly, p. 417.

* He is called in the commission, George abbot of Holyrood-house. There must be some mistake here; for Angus's brother William was lately appointed abbot of Holyrood-house, and lived several years after the date of this commission.

† The other commissioners were, Robert bishop of Murray, Sir William Scot of Balwery, and Mr Adam Otterburn of Auldham, king's advocate.

‡ The other English commissioners were, Bryan Higden clerk, dean of the cathedral of York, Thomas Magnus archdeacon of Eastrithing, and Sir William Bulmer. Dacres had not, in this commission, the title of warden of the marches, which he bore in the treaty of the 23d of March last: Henry had conferred that office on his favourite natural son.

far

far as Linlithgow, in their way to Edinburgh; purposing to accomplish by force, what they could not effect by their treaties or remonstrances. But Angus, with the king in his company, and followed by his own dependents, and the burghers of Edinburgh, boldly marched forth from that city, to face his adversaries; who, awed by the presence of their king, or perceiving a force more formidable than they thought of, abandoned their enterprise, and retired into different and remote parts of the kingdom. This hostile rendezvous of Angus's adversaries at Linlithgow, happened only three days before the day that had been fixed for his meeting the English commissioners at Berwick, in order to put the last hand to the treaty that had been negociated in October. As his personal attendance at Berwick was thus rendered impracticable, he signed at Edinburgh, in the presence of Magnus, one of the English commissioners, the indenture of the truce; and gave a written obligation, confirmed by a notorial instrument, binding himself to ratify all that his brother Sir George Douglas, and Mr Adam Otterburn of Auldham, two of his fellow commissioners, should transact and conclude at Berwick in his name. In the narrative part of this obligation, the earl represents the assembly of the lords, counsellors, and their adherents at Linlithgow, as intended to disturb and hinder the peace with England, and especially the making due redress upon the borders to the subjects of that nation*; in order to repress which wicked purposes, he declares his resolution, in company with others of the king's counsellors, to proceed towards them with all diligence. The time which Angus's rivals had chosen to attack him, gave him this advantage against them, of accusing them as enemies to peace between the kingdoms; and perhaps they had made choice of that time, in the expectation that Angus would be gone to Berwick. As they immediately retired, upon Angus's approach, the commissioners at Berwick must have had intelligence of their flight and dissipation, before the treaty was signed, which was on the 15th of March.

James V. K. of Scotland. 1526.

Jan. 10.

Rym. vol. xiv. P. 114.

This treaty, by which a peace was concluded for three years following its date, is nearly of the same length with that of 1491, and those succeeding it in the reign of Henry VII. Its general articles too are almost the same with those in the truce of 1499, and in the treaty of perpetual peace concluded in 1502. It was mutually agreed, not to resett rebels or traitors; and on letters of requisition, from their prince, to deliver them to the bearer of such letters, or to any other person named in them, in twenty days after making the demand. So also every kind of malefactors were to be delivered in the same manner, in ten days after being demanded by their natural prince or his officers on the marches. Letters of safe-conduct were to be granted agreeably to the terms of the treaty last-mentioned: but a proviso was added, that the supplicatory letters of the one prince to the other, for a safe-conduct to any subject, should have the force of a safe-conduct, so far as to secure the said subject's return to his own country, although the latter prince had thought proper to refuse the safe-conduct desired. Murderers were to be prosecuted to death in the man-

Rym. ib.

* Scot of Buccleugh was at that time a mighty border chieftain, and probably was one of the company at Linlithgow.

ner

Henry VIII. K. of England. 1526.

ner appointed in the treaty of 1499*. Affairs relating to commerce and intercourse by sea, were to be regulated according to the treaty of 1464. The *hot trodd* was allowed in the manner it had been long established. An article relating to Berwick was inserted, of the same import with those in the truces and peace above referred to of Henry VII. A disorder frequent in the marches is mentioned for the first time in this treaty: and for remedying it a new article is inserted. It was a common practice of the inhabitants of the marches on both sides, not only secretly and by stealth, but in an open and public manner, in great companies, to enter the borders of the neighbouring kingdom, and there to cut down trees and carry them off, against the will and in open defiance of their proprietors, which had been a great occasion of enmity and strife; in order to prevent which, in time coming, it was agreed, that no subjects whatever of either kingdom should commit such injustice, and that wrongs of this nature should be redressed as violations of the present treaty; the trees that were cut down and carried away being estimated by the oath of their proprietor. The articles relating to fugitives from the one country, that had become subjects of the other, and to those who without public authority retaliated or revenged the injuries they had received, were the same as in the treaties of 1486 and 1491, and in various subsequent ones. It was agreed, that, during the continuance of the present truce, the king of Scotland should send his ambassadors to the king of England, in order to treat of a perpetual peace between the nations †.

Rym. ib. p. 118.

During the two first years of this truce, and a considerable part of the third, Angus maintained his possession of the king's person and administration of the government. By the advice of James Beton, archbishop of St Andrew's, the queen-dowager pursued, in Beton's consistory, a divorce from her husband, which both parties had long earnestly desired. The queen alleging, and Angus acknowledging, a pre-contract with the daughter of the earl of Traquair, the marriage was declared null. The queen soon after married Henry Stuart, son to the lord Evandale; whom the king, after regaining his liberty from the thraldom of Angus, created lord Methven. Her brother the king of England was displeased with her divorce and new marriage. This dissatisfaction with the conduct of his sister, the obsequiousness of Angus to him, and the great affairs of the continent in which he was deeply engaged,

Drummond. Lesly.

* This punishment by death is also peremptorily appointed in the treaties of 1528 and 1534.

† The friends and confederates of both parties, without making a particular enumeration of them, were to be comprehended in this treaty; unless any of these should detain or withdraw from either of the kings, any dominions, lands, revenues, pensions, or debts, any how pertaining to them. It was also agreed, that Margaret the queen-dowager of Scotland should be treated with the respect due to her high station, and should have her dower regularly paid (*a*). The odd exception of the lordship of Lorn and isle of Lundy, was continued in this treaty, as it likewise is in the treaties of 1528 and 1584. There was no particular mention of conservators.

This treaty was ratified by the king of Scotland on the 12th of February; and on the 7th of March, Thomas abbot of Kelso, and Mr George Ker provost of Dunglass, were empowered to deliver and receive its ratifications. Rymer, ib. p. 122. 127.

(*a*) She complains much of the bad payment of this, in her letters to lord Dacres.

all.

all conspired to make him connive at Angus's violent proceedings, and to attempt nothing for the relief of his nephew. James V. K. of Scotland. 1526.

But while Angus enjoyed this quiet on the side of England, he could not hinder the efforts of his enemies at home to bring him down from his immoderate power. One of these efforts was made in the neighbourhood of Melrose, as the king was on his return from a progress he had made to Jedburgh, to quell some flagrant disorders on the marches. Angus, with a body of his kindred and clients, was attending the king on this expedition. The border chieftains of Angus's party, the principal of whom were, the lord Home and the lairds of Cessford and Farniherst, with their followers, were also in the king's company. The earl of Lennox was likewise present; who was the favourite and confident of the young monarch, and had contrived this progress in the view of effecting his liberation. For this purpose he had entered into a secret concert with Scot of Buccleugh, and had procured an order from the king to that potent chieftain to exert his power for his sovereign's rescue. Buccleugh had designedly procured excesses to be committed within the territories on the marches, that occasion might be given to this expedition of the king. He had also declined appearing at Jedburgh; but as the king and his company, weakened by the separation of Home and the Kers, who had a little before taken their leave, were passing the bridge at Melrose, Buccleugh suddenly appeared on the descent of the neighbouring hill*, accompanied by a thousand horsemen, chiefly banditti of the borders. Having despised a summons from Angus to retire and disperse his forces, and declared his resolution to see the king, and that the king should see the forces he had at that time ready to serve him †, an engagement ensued. Home and the Kers were still so near as to be able to return in time to give a seasonable aid to Angus's company; who soon put Buccleugh and his followers to the rout, with the slaughter of more than eighty of their number. Ker of Cessford pursuing eagerly, was killed by a domestic of Buccleugh; which slaughter produced a deadly feud of long duration between the families. The failure of this attempt only served to animate Lennox to a new enterprise, for accomplishing the liberation of his master. He forsook the court, united himself to Angus's most powerful and determined enemies, and formed an army of his own dependents and theirs: but Angus having gained the Hamiltons to his side, by sharing, in some degree, his power with them, again prevailed in this strife ‡; wherein Lennox, a young man eminently amiable and popular, was defeated at Linlithgow, and slain in cold blood by Sir James Hamilton, a bastard son of the earl of Arran.

August 2. Drummond, p. 95. Lesly, 419, 420.

Sept. 3. Lesly.

The Douglasses and Hamiltons thus united and successful, made every thing ply before them; and shewed little moderation in pursuing their private interests and resentments. This violence in the administration was accom- Lesly, p. 426.

* Drummond calls this hill Haledon. It is commonly called Hieldun.

† It was the cuſtom of the borderers, ſays Leſly, to draw out their forces and ſhew them to the king.

‡ Angus was on this occaſion aſſiſted by the Homes and Kers, who, as Drummond ſeems to ſay, were two thouſand in number. Drummond, p. 96.

panied

Henry VIII. K. of England.

panied with many deeds of violence throughout the kingdom. To quell these latter, the king marched with six thousand men to Jedburgh; and soon after his arrival, a general submission was made to him by all the border chieftains. Examples were made of some offenders; but those who submitted were spared, on giving security for their future good behaviour, by oaths and hostages. Angus continued to hold the king in thraldom, until what had been enterprised in vain by open force, was at last effected by the surer methods of art and subtle contrivance; in which the archbishop of St Andrew's was the chief director. The queen, as part of her dowry, held the castle of Stirling; but had no garrison within it that could raise the least suspicion. To that place the king, having in the night eluded the vigilance of his guards, escaped from the palace of Falkland; and in consequence of a previous correspondence or speedy intelligence, soon got sufficient numbers around him, to resist the power of Angus and his party. Angus, and the chiefs of his faction, at first made a motion towards Stirling; but a proclamation being issued, discharging them from all their offices, and forbidding them to come nearer the court than by a certain number of miles*, they thought it wiser to retire. But Angus refusing to submit to a banishment beyond the Spey, and his brother Sir George to enter himself a prisoner in the castle of Edinburgh, they were summoned to a parliament, where not attending, they were condemned and forfeited as traitors; the king having declared that they had detained him involuntarily for more than two years; during which time he had been in continual fear and danger.

A. D. 1527. June 7.

A. D. 1528.

Drummond. p. 98.

Sept. 6. Keith, p. 16. Holingshed. Drummond.

Angus, accompanied by his brother and uncle, and others of his kindred and friends, and followed by a great number of his dependents, committed many ravages on the persons and possessions of his adversaries. Simon Panango, one of his principal retainers, held out the castle of Tantallon against the king; who, being furnished with artillery from the castle of Dunbar, came against it in person, but was obliged to raise the siege. The earl of Bothwell, the most powerful chieftain in Lothian, refused to accept the command of the forces employed against the Douglasses. Arran and the Hamiltons the king could not confide in, or did not chuse to employ; still resenting against them the death of his favourite Lennox: but the service was at last undertaken by the earl of Argyle; who received the commission of lord lieutenant, and was chiefly assisted by the lord Home. These noblemen proceeded with so much vigour and success, that Angus, his brother and uncle, and Drummond of Carnock their ally, being reduced to the last extremities, were obliged to seek refuge in England, where Henry gave them a hospitable reception †.

Holingf. p. 316. Drummond.

Such

* Lesly says, four miles, p. 428. Godscroft, p. 12.

† According to Godscroft, while Tantallon was besieged, the earl was at Billy in the Mers within his barony of Bunkle; being ever unwilling to shut himself up within walls however strong (according to the maxim received from his predecessors, *better to hear the lark sing than the mouse cheep*). After the siege of Tantallon was over, Buchanan relates, that it was resolved to station a company at Coldingham to defend the adjacent country from the incursions and depredations of Angus. Godscroft says, that the old men alive in his time, who had been witnesses to those transactions and actors in them affirmed, that Argyle did nothing of moment against Angus; but that

James V. K. of Scotland. 1528.

Such was the situation of affairs in Scotland when the term of the expiration of the three years truce with England began to draw nigh. Henry being at that time in terms of perfect friendship with the king of France, and the two monarchs united in concerting and prosecuting measures for humbling the Emperor; the change which had happened in Scotland, proved no obstacle to the prolongation of the peace between that nation and England. In order to negociate this, Henry had appointed his commissioners on the first day of October; but the confusions in Scotland probably occasioned the delay of the nomination of James's commissioners until the fourth of December. The persons deputed from each nation having met at Berwick *, made a convention consisting of certain articles preliminary to the treaty which they afterwards subscribed. One object of this preliminary convention was, the redress of many grievous wrongs and outrages, that had been committed since the commencement of the truce now expiring, by the inhabitants of Liddisdale against the subjects of England, on the one side; and, on the other side, by the inhabitants of the Water of Levin, between that Water, Crissop, and Liddal, against the subjects of Scotland: the English affirming, that no due reparation had been made for the excesses of the men of Liddisdale, it was agreed, that the wardens lieutenants of the middle marches of Scotland should meet the warden or lieutenants of the west and middle marches of England, before the 11th of January, at times and places accustomed for such meetings, and that mutual redress should be made of all injuries complained of on either side: and in case that, by the said 11th of January, or in forty days next following, the excesses of the Liddisdale men were not duly redressed, it should be lawful for the king of England, if he thought proper, to give letters of marque to his officers on the marches, authorizing them to invade the inhabitants of Liddisdale, and to commit all manner of hostilities against them, until full redress and satisfaction were obtained †. But it was expressly provided, that the English should not besiege or take the castle of Hermitage, or appropriate any of the lands of the invaded country, to the use of their king, or receive to his allegiance any of the inhabitants of the country who were Scottish men born. These conditions being kept by the English, it was declared to be unlawful to the king of Scotland, his officers or subjects, to give any manner of aid to

Rym. vol. xiv. p. 276. Dec. 12.

that having come to Dunbar, some advanced parties from his army were attacked at the Pease, and three or four score of them slain. He says farther, that, according to the same testimony, Angus was not driven out of Scotland; but left it at the king of England's desire, who wished him to shew this obedience to his own king; and also caused Angus to deliver up the castle of Tantallon. Godsc. p. 259, 260.

* The Scottish commissioners were, Sir William Scot of Belwery, Master Adam Otterburn of Auldham, and Andrew Ker of Farniherst: those from England, Thomas Magnus archdeacon of the East-riding, Sir Anthony Uchtred captain of the town and castle of Berwick, and Sir Thomas Tempest.

† These letters of marque are appointed by this convention, to be concluded and agreed in manner and form following, that is to say. "with power to invade the said inhabitants of Lid- "disdale, to their slaughters, burning, heirschip, robbing, reesing, despoiling, and destruction, "and so to continue the same, at his grace's pleasure, to the time that the said attempts, by "the said inhabitants of Liddisdale committed, be fully satisfied, redressed, and recompenced, "in form foresaid or otherwise."

Henry VIII. K. of England. 1528.

the inhabitants of Liddisdale when thus invaded; on the contrary, they obliged themselves to assist the English in their enterprises, as contributing to the benefit of both realms. In the same manner, if redress could not, in a peaceable manner, be obtained for the injuries committed against the Scots, by those who dwelt on the Water of Levin; it was agreed, that the king of Scotland might proceed against them by letters of marque, the like conditions being in all points observed, as those on the part of the king of England, with regard to the men of Liddisdale: and it was declared, that such invasions on the one or other side, should be of no effect to the violation or breaking of the truce now agreed. The remainder of this convention respected the earl of Angus, his brother and uncle. In behalf of these, since their forfeiture, the king of England had, by several letters, solicited the favour and mercy of his nephew; and the Scottish commissioners now declared, that, if it pleased the king of England to continue such intercessions at the Scottish court, they should be taken in good part; and farther, that if it happened, that on the humble suit of the Douglasses, the king should please to receive them to his favour, this favour should be extended to them in the most ample manner, in consideration of the request of his dearest uncle of England: but to shew how little meaning there was in this courtly article, it was immediately added, that if the king of England should think proper to receive into his kingdom, Angus, his brother, or uncle, at any time during the truce now agreed, the truce should not thereby be in any wise violated or infringed: provided that the refugees surrendered the castle of Tantallon, and their other strong places, to their sovereign: and that, if after fixing their residence in England, they should commit any violences in Scotland, and retire thence to England, such wrongs should be redressed, agreeably to the laws and order of the marches.

Dec. 14.

By this preliminary convention, the principal difficulties obstructing the continuance of peace between the nations being obviated, a treaty was subscribed two days after; by which a truce was made for five years immediately following its date. The articles of this truce were in all points the same as those of the preceding. The only difference was in the introduction; which, after setting forth in strong terms the reasons and advantages of a perpetual peace between the two nations, alleged the immaturity of years and understanding on the part of the king of Scotland, as a ground of delaying so important a measure, and of being content for the present with a truce for the period above-mentioned.

Rym. ib. p. 278.

A. D. 1529. Buchan. l. 14.

In the following spring, the earl of Murray, bastard-brother of the king of Scotland, being made about that time lieutenant of his kingdom, met on the marches with the earl of Northumberland, in order to the redress of wrongs and outrages; and in particular, as is probable, of those mentioned in the late convention at Berwick. But such opposition was made or difficulties raised by the offenders and their patrons, that at this meeting nothing of moment was effected*. Hereupon the king of Scotland and his council resolved on more vigorous measures. A great assembly of the Scottish nobles was held at

* Buchanan says, that their conferences broke up by Murray's insisting, that the meetings for redress, should be held in Scotland, agreeably to what was settled in the preceding reign, for expiating the murder of Robert Ker, to which the earl of Northumberland would not agree.

Edinburgh

James V. K. of Scotland. 1529.

Edinburgh in May, wherein the king presided. Before this assembly were tried and convicted by assize, several of the border-chieftains, for excesses committed by their direction; or on account of the protection they gave to the guilty. The earl of Bothwell was forfeited and imprisoned in Edinburgh castle*. The lords Home and Maxwell, the lairds of Buccleugh, Farniherst, and Polwarth, Johnston, Mark Ker, and others, were also committed to custody. By authority of the same assembly, William Cockburn of Henderland, and Adam Scot of Tushilaw, commonly called *King of Thieves*, were beheaded and their heads set over the public prison of Edinburgh. But to give a blow to the root of those enormities, the king undertook an expedition to those parts of the marches where they chiefly prevailed; chusing rather to execute justice against his unruly subjects by his own strength, than to leave this work to forces employed by the king of England. In this expedition he was accompanied by eight thousand men, who having marched with great celerity into Eusdale, laid hold on many of the banditti in their fastnesses. Forty-eight of which he caused to be hanged on growing trees. Among these was John Armstrong, who had made himself so formidable, that the inhabitants of the neighbouring marches of England, to the distance of several miles, are said to have paid him tribute. The king, after his return, dismissed the border-chieftains, whom he had left in custody; obliging them to give hostages for their future good behaviour. These vigorous measures restored quiet on the borders, and were an early specimen of that attention and industry for which this king was always renowned, in hunting such offenders out of their retreats, and bringing them to deserved punishment †.

Holingshed, p. 317. According to Lesly, on the 15th June. Lesly, p. 430, 431.

Buchanan.

This year was remarkable, for the commencement of the king of England's prosecution of a divorce from his queen Catherine; whom, by virtue of a papal dispensation, he had long ago married, after she had been the wife of his brother Arthur. The first great consequence of this prosecution was the disgrace of his favourite cardinal Wolsey, who had managed, with a very absolute authority, the king himself and all his affairs, for near twenty years; but was at last driven out by the ascendant of Anne Boleyn, Henry's female favourite, whom Wolsey had offended, and whom the king designed for partner of his bed. Henry finding it impossible to conciliate the Emperor to the project of divorcing his aunt, and that, by the Emperor's superior influence at the court of Rome, all his measures to gain the Pope to his side were thwarted, resolved to carry his point by means subject to his own direction. He obtained judgments from his parliament, clergy, and universities, against the validity of his marriage with his brother's widow; as a thing contrary to the divine law, and therefore not to

* He was afterwards sent into Murray-land, and lastly banished the realm during the king's life. He chose Venice for the place of his retreat. *Venetias quasi ad ipsum libertatis portum communeque exterorum asylum se contulit, ubi tempus quo rex vivebat in libera civitate secure, ac ut nobilis opibus affluens, suavissime traduxerat.* Lesl. p. 431. But how can this be reconciled with the account in Douglas's Peerage, p. 85. that Patrick third earl of Bothwell (son of Adam who was killed at Flodden) died an. 1534, and that his son Patrick fourth earl, got a charter in 1537, under the great seal, of the lands of Lochwarret, Park-hakra, &c.? The time of the death of this fourth earl, the father of James, Mary's husband, is not mentioned by Douglas.

† It was said of him, *that he made the rush-bush keep the cow.*

Henry VIII. K. of England.
A. D. 1532.

be dispensed with by the Pope; and their judgments were corroborated by the opinion of many foreign universities and learned men. In order to stop appeals to Rome, and to obviate the dangerous consequences of papal excommunications and interdicts, he obtained an act of his clergy in convocation acknowleding him as head of the English church, and making a formal submission to him as invested with that prerogative *. These were the steps that paved his way to what his heart was long set upon, his marriage with Anne Boleyn, which gave the highest provocation to the Emperor; a consequence so agreeable to the king of France, that he instigated Henry all he could to conclude the match.

Nov. 14.

During these transactions in England, all remained quiet on the side of Scotland †, until nigh the time of Henry's marriage with Anne. A little before this marriage, there was an interview between Henry and Francis at Boulogne and Calais; where they concerted measures for their mutual defence against the Emperor and the Pope. The Scots, having about that time, committed some outrages on the English by sea and land, which were not redressed, Henry apprehending that his going out of his kingdom, might encourage them to continue such excesses, sent Sir Arthur Darcy ‡ to Berwick, with three hundred tall men, for the defence of the English marches. The Scots, soon after Darcy's arrival, to show they were not afraid of him, made an inroad by the middle marches, as far as Fowberry; in which inroad they burnt several villages. Not content with doing this mischief, they boasted of it, saying, that *Darcy had brought them good fortune, and that he and Angus slept well at Berwick.* This provoked Darcy, and the earl to make an incursion from Berwick with four hundred men, in which they set fire to a village. Twice the number of Scots soon assembling, the English leaders ordered a retreat to be sounded. But Angus with twenty attendants making a stand upon a hill, and causing a trumpet to be blown behind them; the Scots thought there were two bands of the English, and thereupon turned their backs; the English pursuing, slew several of them, and took many prisoners, who were brought into Berwick on the 20th of October §. Henry being informed of the Emperor's treating with James to invade England, did the more readily listen to Angus instigating him to hostilities against Scotland. In consequence of which

October.

Hall. H. viii. fol. 212.

* This was confirmed by an act of the parliament that met in November 1534.

† Leſly ſays, that in 1531; the king of England perceiving his marches expoſed to great danger from irruptions of the Scots, on account of the Engliſh marches being worſe inhabited than thoſe of Scotland; propoſed to his parliament (*habita omnium ordinum concione egit ſerio*) that a poll-tax ſhould be impoſed to raiſe bulwarks to reſiſt theſe incurſions. But the Engliſh would by no means ſubmit to this taxation. Leſly, p. 435.

‡ Sir Arthur Darcy was the ſecond ſon of Thomas lord D'Arcy, which lord was long employed on the marches in Henry VII. and beginning of Henry VIII's reign: he was captain treaſurer and chamberlain of Berwick, and cuſtomer of the port. Dugd. vol. ii. p 374.

Drummond ſays, that Darcy, on being ſent to the borders, ſolicited the Scottiſh court for the reſtoration of the earl of Angus; but that theſe ſolicitations had no effect, yea were ſcorned. Drum. p. 99.

§ Leſly ſays, that in this incurſion of the Engliſh, in which, according to him, they were routed and driven back by the Scots to Berwick; the earl of Angus, being taken priſoner in the flight, induced by ſplendid promiſes thoſe who had taken him, to allow him to return into England; which coming to the ears of the king of Scotland; gave him great diſpleaſure. Leſly.

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James V. K. of Scotland. A D. 1533.

in the following spring, the Berwick garrison, joined by some select companies from Northumberland and Westmorland, were led forth by Darcy into Scotland. They plundered and burnt Coldingham, Dunglass, and other villages, and ravaged the country towards Dunse. Some ships of war were also about the same time sent northwards by the king of England, to protect the trade of his subjects, and make reprisals for certain depredations committed at sea by the Scots. Henry likewise about this time, published a manifesto, wherein, he alleged, that the garrison of Berwick had been provoked by some insulting language of the Scotchmen. In this manifesto, he required the restitution of the poor little abbey of Canaby, as having of old belonged to the English, and that the Douglasses should be restored to their country and ancient inheritances.

Buchanan. Drum. p. 99.

Buchan. l. 14.

It is likely that Angus had flattered himself, that the strait union between France and England, presented a favourable opportunity of effecting the restitution of himself and his friends; as Scotland on a breach with England, could have no encouragement or help from their ancient allies. But James, at all times, showed an insuperable aversion to the return of the Douglasses. The mercenary soldiers employed on the borders by the English, being too numerous and powerful for the Scottish borderers to contend with, it was resolved to divide the whole fighting men of Scotland into four parts, and that each of these should in their turn serve forty days, in defence of the borders. The direction of the whole was intrusted to the earl of Murray, who was again created lieutenant of the kingdom. The consequence of these measures, was a continuation of hostilities, and the destruction of various castles and villages in the neighbourhood of the marches * But Henry's other arduous affairs rendering it highly inconvenient for him to engage in a serious and continued war with Scotland, he readily accepted the mediation of the king of France, for composing his differences with the Scottish king.

Buchanan. Drummond.

Commissioners for negociating a peace or truce, were nominated by both kings about the middle of summer †; and the place agreed on for their meeting was Newcastle. But many difficulties arising, the negociation was spun out till the first of October; and hostilities were still committed on the marches. At last by the intervention of a French ambassador ‡, who was sent over on purpose, a truce was concluded for a year. This truce being declared in the tenor of the treaty, to be no more than a simple cessation of hostilities;

Rym. vol. xiv. 480, 481. June 19. Hall. H. viii. fol. 218. 2. Holing. p. 818. Buchan. l. 14. Rym. ib. 480.

* Henry, having sent George Boleyne lord Rochefort, brother to his new queen, to acquaint Francis with his marriage, did at the same time inform him, how the Scots under the earl of Murray had done some hostile acts in his kingdom; wishing him not to take it ill, if he revenged himself on the Scots. Herbert. 161.

† The Scottish commissioners were, Sir James Colvile of East-Weems, director of the Chancery, Sir John Campbell of Lundy, and master Adam Otterburn of Auldham king's advocate: Their commission was given at Air. Colvill and Otterburn were only present at Newcastle. The English commissioners were, Thomas Magnus archdeacon of the East-Riding, Sir Thomas Clifford captain of Berwick, Sir Ralph Allerker, and Sir Thomas Wharton, whose commission was dated the 14th of June at Westminster. The treaty is in English, containing only the two articles mentioned above, and another general one.

‡ Buchanan calls him Vido Florœus. (Floreus I suppose is Fleury.)

it

Henry VIII. K. of England. 1533.

it was agreed, that during its continuance, all lands, possessions, dominions, and goods, should remain in the hands of those who at present held them. Only these wrongs that had been committed since the 2d day of the preceding July *, together with those that should be committed during the present truce, were appointed to be redressed, agreeably to the laws of the marches, and particularly in conformity to the treaty of truce and separate convention, concluded at Berwick in December 1528.

Rym. vol. xiv. p. 529. A. D. 1534. May 11.

Buchan.

The mediation of the French king being still continued, and deriving greater weight from the earnest desire entertained by the Scottish king, of obtaining Francis's eldest daughter in marriage, a peace was concluded between Henry and James at London, in the following May †; to continue during the joint lives of the kings, and a year after the death of him who died first. In this treaty appear two new articles, that are to be explained from the circumstances of the times. The Emperor had threatened to invade England, and was about the very time of this treaty endeavouring to negociate a marriage between some of the princesses of his blood and the king of Scotland, whom he had likewise honoured with the order of the Golden Fleece. To obviate the evils that might be apprehended from that source, it was agreed, that in case of the dominions of either prince being attacked or invaded by any of whatever state or degree, tho' pretending to supreme authority, either spiritual or temporal, and however straitly connected by blood, affinity or confederacy with the other prince, that this prince should be in no way whatever assisting to him; and to the utmost of his power, should hinder his subjects from giving aid to such aggressors and invaders; but a proviso is immediately subjoined, declaring, that it is not meant by this treaty, or any of its articles, to derogate from the ancient leagues and treaties which the present kings of Scotland and England, or their progenitors, had contracted with the king of France, or his ancestors. The other article, is contrived to disappoint the effect of papal censures or dispensations, which Henry at present had so much cause to dread. It was therefore agreed, that neither of the princes should avail himself of any such sentence, as a pretence for infringing any part of the present treaty; but that both of them should in the most express and public manner, within three weeks after the date of this treaty, by their oaths and writings, disclaim the use of all such exceptions or privileges, which their commissioners at present did in their names ‡. The rest of the articles of this treaty, relating to the order to be kept on the

* The redreſs of the wrongs committed before that date ſeems to have been referred to the two kings. Hall. H. viii. fol. 218. Hol. Hiſt. Sc. p. 318.

† The commiſſioners who negociated this peace for the king of England were, Sir Thomas Audley chancellor of England, (who ſucceeded Sir Thomas More in 1532.) Thomas Cromwell ſecretary, Edward Fox almoner, John Tregonwell privy counſellor, and Richard Givent principal official in the court of Canterbury; and for the king of Scotland, William Stewart biſhop of Aberdeen, treaſurer, and Sir Adam Otterburne of Reedhall.

‡ The commiſſioners from each prince had particular articles in their commiſſions, impowering them to make ſuch renunciations.

marches,

marches, to the state of Berwick, and other points, usually settled by such conventions, are entirely the same with those in the truces of 1526 and 1528 *.

James V. K. of Scotland.

1534.

On the day after subscribing this treaty, the same commissioners subscribed a separate instrument, whereby the king of England engaged to restore to his beloved brother and nephew of Scotland, the house or fortress of Eddrington †, which the former had acquired in the late war; declaring, that he made this restitution, as a proof of his gratitude, benevolence, and real friendship, to the Scottish king. The possession of this place, with its lands and other appendages, as held before the war, is confirmed to the king of Scotland, and its late owners his subjects, free from molestation and injury on the part of the king of England, the vassals or subjects of his kingdom, or the inhabitants of the town and castle of Berwick ‡. The other article of this convention §, relates to the earl of Angus, his uncle, and brother. These refugees the king of England is allowed, during the present peace, still to entertain in his kingdom, as long as he pleases, notwithstanding the articles of the treaty just concluded, as well as of former treaties, disallowing the reception or maintenance by either prince of traitors, rebels, or persons, suspected of treason against the other. But a proviso is added, appointing all wrongs committed by these persons, while holding their ordinary residence in England upon the subjects of Scotland, and within the marches of that kingdom, to be redressed according to the laws of the marches ‖.

Rym. vol. xiv. p. 548.

Henry, with the concurrence of a parliament that met this year in January, having entirely abolished the papal power and revenues in England, had reason to apprehend, that all the arts and influence of the Roman conclave would

A. D. 1535.

* In order to obtain all possible security by this treaty, in so critical a time; the king of Scotland, by the last article, is obliged in six days after demand, made in name of the king of England by his ambassador, to confirm the treaty by an oath taken in the presence of a notary and witnesses, and vouched by an instrument subscribed by his hand, and confirmed by his great seal; the king of England being in the same manner bound to give the like security to the Scottish king.

† *Domum habitationem sive fortalitium de Eddrington.*

‡ *Per dictum illustrissimum regem Angliæ, vassalos sive subditos regni Angliæ, aut inhabitantes villam & castrum Berwici quoscunque.* This favours the idea, suggested by the whole series of treaties concluded, since the recovery of Berwick by the English, in the end of the reign of Edward IV. that Berwick was not considered as a part of the realm of England.

§ Angus, is in this convention, called Archibald *formerly (olim)* earl of Angus. Thus a rebel and exile gradually loses his importance; and thus even the haughty Henry was obliged, by a change of times, to change his style.

To the article in the treaty, signed the day before, which relates to this subject, an exception is added, which allows the provision made in favour of the Douglasses by this separate instrument.

‖ James swore to the observation of this treaty, and to take no advantage of any dispensation or other pretext for the breaking it, on the last day of June in the chapel of St. Andrew within the monastery of Holyrood-house, in the presence of Hugh, prior of the monastery at Durham, Thomas Magnus archdeacon of the monastery at York, and William Franklin archdeacon of Durham, ambassadors from the king of England, and several of his own prelates and nobles. He also subscribed before the same persons as witnesses, a written instrument containing his ratification and oath; all which was attested by two Scottish and two English notaries. At the same time, he ratified the separate convention of the 12th of May. Six days after, he gave a commission to Robert abbot of Kinloss, to receive from the king of England the like securities. Rym. vol. xiv. p. 540,—543.

every

Henry VIII. K. of England.

1535.

every where be employed to distress him. Having also had sufficient experience of the fragility of the bonds of public treaties, though confirmed by all the most sacred solemnities; he was at great pains to conciliate the friendship of his nephew, and to inspire him with the same sentiments, which he himself had adopted, with regard to the papal usurpations. For this purpose, he employed at the court of Scotland lord William Howard, and others, both during the time that the present treaty was negociating, and in the following summer. As a mark of friendship, he conferred on James the order of the Garter. He also earnestly solicited a personal interview with him, but while Henry proposed that this should be held at York, James and his council thought Newcastle a more proper place, and afterwards proposed that the two kings should meet in France, in presence of their common friend the French king. It is also said that Henry offered to James, that if he would enter into an entire and hearty union with him, against Rome and his other adversaries, he would create him duke of York, and declare him heir of all his dominions. But the influence of all these soothing overtures, was defeated by the arts of James's clergy; who had the chief management of his affairs, and having their all at stake, employed the joint power of their persuasions and purses, to fix him in their own interests.

Herbert, p. 176, 184.

Buchanan.

A. D. 1536.

James being the only remaining male in the direct line of the royal race, was very intent on finding a wife. He had been for this purpose, negociating for some time in France, but wearied out with the slow proceedings of his ministers, he resolved to make a visit to that kingdom, in order to conclude so interesting an affair by his own judgment and choice. In this expedition, he was so successful as to obtain in marriage Magdalen, the eldest daughter of the French king, whom after having seen, he preferred to another lady of the royal race, who had been proposed to him by Francis. So intimate a connexion with France was not agreeable to the king of England; yet for the present, as Henry was in very good understanding with Francis, it disposed James to cultivate peace with England. And this pacific disposition, together with the circumstance of his being absent in France, was particularly happy for England at the present juncture. For the dissolution made by Henry of the smaller English monasteries and dispersion of their inhabitants, all zealous friends of the Pope, had excited insurrections, first in Lincolnshire, and afterwards in Yorkshire *, and the adjacent northern counties, which would have been much more formidable, if they had been supported by aids from Scotland.

A. D. 1537. Jan. 1.

The death of the divorced queen Catherine, in the beginning of 1536, and the execution of Anne Boleyn in the following May, had removed the capital grounds of dissension between the Emperor and Henry. Some intercourse

* That in Yorkshire was called *the pilgrimage of grace*. Sir Thomas Percy, younger brother of the earl of Northumberland, was engaged in it; and being attainted for rebellion was hanged at Tyburn. His brother the earl dying soon after, to whom Sir Thomas would have been heir, *gave away a great part of his land to the king and others*. (So Dugd. vol. i. p. 283.) By reason of all which, the title of this earldom continued dormant, until queen Mary revived it to Thomas Percy, son of the said Sir Thomas. (Dugd. ib. Herbert, p. 212. Stowe, p. 574). The castles of Alnwick and Warkworth, were during that time in possession of the king.

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was soon restored betwixt them; a new war also arose between Charles and the king of France; and not long after, the succession to the crown of England was rendered clear, by Jane Seymour's bearing Henry a son. These circumstances, joined to the entire and easy quelling of the late insurrections in the north, rendered Henry so secure at home, that he proceeded to give the last blow to the pillars of the papal power, by dissolving the larger monasteries, seizing their wealth, and destroying all the implements of their superstition. The Pope, no longer able to bear such outrages, issued his bull of excommunication and interdict against Henry; which was published by his agents in several public places of France, Flanders, and Scotland.

James V. K. of Scotland. 1537, Oct. 12. 1538, 1539. 1538, Dec. 13.

The king of Scotland, by this time, had brought home his second wife, Mary of Lorrain; a match still more displeasing to his uncle than the former, as Henry had sought this lady, though too late, for a consort to himself. Soon after Henry's jealousy was excited by an interview between the emperor Charles and Francis on the coast of Provence; and his apprehensions from the union of these mighty powers, were farther increased, by the visit that Charles made to Francis in the capital of the latter, in passing through France from Spain to Flanders, to quell an insurrection at Ghent. The consequence of these apprehensions was, Henry's courting the alliance of the protestant powers in Germany, and his comfortless marriage with his fourth wife Anne of Cleves *. About the same time he sent Sir Ralph Sadler to the king of Scotland †; who carried with him a present of horses, accompanied with great professions of friendship, and with informations, admonitions, and promises, expressive of this friendship, and tending to procure suitable returns from his nephew. James, in answer to all these, declared, in the strongest manner, his gratitude, affection, and fidelity, to his uncle; and the good order which he at that time caused to be kept on the borders, agreed with these professions. But when Sadler proposed an interview between the two kings, James evaded the motion, by proposing that the French king should also be present; nor could Sadler succeed in endeavouring to give James a bad impression of cardinal Beaton and the rest of the Scottish clergy, which was a principal part of his errand ‡. Henry, in this uncertain situation, while he was fortifying various places on the coast of England against the apprehended invasion from the Emperor and France, bestowed also some care on the side of Scotland, to repair the decayed fortifications, and to make other necessary provisions for the security of the borders. James, on the other

1538, July 14. Herbert. A. D. 1540. Herbert, p. 202.

* One quality of Anne, that recommended her to Henry, was her size; being large, which suited his own, as he was now grown corpulent.

† Sadler had been employed in Scotland before, in 1537, about the time that James returned from France with his first wife, Magdalen.

‡ For this purpose Sadler carried with him a letter of the cardinal to his agent at Rome; part of it dated from Kelso, 16th Nov. 1539; by which Henry thought Beaton was convicted of an intention to exalt his ecclesiastical authority above the royal power of his master. Henry pretended, that this letter had been accidentally left by a servant of the cardinal, who was driven on shore by a tempest, on the north of England: but as Sir Ralph Sadler was on his way to Scotland, he was informed by John Horsley, captain of Bamburgh, that he (Horsley) had taken the packet containing this letter, by force, from Brunston the cardinal's agent.

Henry VIII. K. of England.

1540. Sadler's letters, p. 39, 58.

hand, equipped a fleet of fifteen ships, and kept in readiness two thousand men; his clergy furnishing him with money, and thereby in some degree verifying what he had told Sadler, when admonishing him, in his master's name, to improve his revenue by dissolving the religious houses: that he needed not, as the clergy were ready to furnish him whatever sums he might demand *.

Herbert. Henry's manifesto in Hall and Holingshed. A. D. 1541.

Henry, not omitting the necessary precautions for defence, did so intermingle them with frequent and kind messages to his nephew, that quiet was still preserved on the side of Scotland. At last he obtained the consent of James to an interview at York, and having ordered great preparations for his reception, made a progress to that city, in the expectation of meeting him. But James broke the appointment; and while his uncle remained at York, some of the Scottish borderers made an inroad into England. This usage irritated Henry extremely; and he returned to his capital, fully resolved on a war against Scotland; in order to avenge himself of the affront he had received, and to force the Scottish king to a compliance with all his measures. On the other hand, James, though, hindered by the influence of his clergy and of France from holding a personal interview with Henry, was yet at much pains to prevent, or at least to delay, an open breach with him. For this purpose, he sent ambassadors into England, who apologized in the best manner they were able for their master's conduct, and at the same time were most profuse in the expressions of affection and esteem which he bore to his uncle †. Henry was persuaded by their importunities to send commissioners to meet on the borders with others from Scotland, in order to settle some

A. D. 1542.

disputes that had arisen about the limits of certain grounds there. These commissioners could not agree about a piece of land of small value, which the Scots had seized, and the commissioners of that nation refused to restore; on pretence that the evidences adduced of its belonging to England had been forged by Englishmen; while the English commmissioners did, on the other hand, allege, that the writing was so ancient, and the value of the land in question so small, as to remove all suspicion of fraud. But, although the commissioners could not settle this point, they separated in a friendly manner; each side issuing the accustomed orders for preserving peace on the borders ‡.

July 4.

This meeting was held on the marches in the beginning of summer, and was soon followed by an inroad of the Scottish borderers into England, wherein all kinds of hostilities were committed. Henry, also, about this time, sent a body of forces to defend his border against those attacks, and to

* James's clergy, in acknowledgment of his zeal in supporting the catholic faith, and opposing the entrance of Luther's heresy into his kingdom, made a settlement of a certain sum upon him for certain years; of which donation James solicits a confirmation from the Pope, who scrupled to grant it. The king's letter is from Stirling, 12th April, 1541.

† Henry's manifesto says, that these ambassadors, who came to the English court about Christmas, gave *good words, sweet words, pleasant words.*

‡ Lord Maxwell, warden of the west march, according to the manifesto, issued such orders; but at the same time warned the Scottish borderers, to withdraw their goods from the English border.

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repay them in kind. Mean while the king of Scotland desisted not from his endeavours to pacify his uncle. Sir James Learmonth, the master of his household, was sent to the court of England, with new apologies and offers of redress for past excesses. While Learmonth was thus negociating, Sir Robert Bowes, captain of Norham castle and warden of the east marches, having collected a body of three thousand horse, and being accompanied by the earl of Angus, the earl's brother Sir George, and others of that kindred, entered Scotland over the dry marches, in the eastern corner of Tiviotdale, purposing to advance towards Jedburgh, and destroy the country in their way. But they had scarce passed the march, when they were met on Hadden-Rigg, by George Gordon earl of Huntley, to whom the king of Scotland had intrusted the defence of these borders. A fierce encounter ensued; which was determined in favour of the Scots, by the timely arrival of lord Home * at the head of four hundred lances. The English were put to the rout; their leader Bowes, his brother Richard, Sir William Mowbray, and others, to the number of six hundred, being taken prisoners †.

James V. K. of Scotland. 1542.

Drummond.

Aug. 24.

The king of England had been more successful at sea, his ships of war having taken twenty-eight vessels belonging to the Scots. But no prospect appearing of bringing his nephew to the terms he desired, he at last gave orders to assemble an army of twenty thousand men at York ‡; conferring the command of it on the duke of Norfolk, who was accompanied in the expedition by many of the English nobility and courtiers §. James, still desirous to avoid, or rather to delay the extremity of an open war, sent ambassadors to York ‖; with whom Henry was prevailed upon to appoint the duke of Norfolk, and some of the great men who accompanied him, to enter into a treaty. Here the Scottish ambassadors made a proposal of an interview between the kings; which having been for a long time the favourite object of Henry, seems to have been greedily listened to. But the proposal of place **, to which Henry could not agree, and certain defects in the commissions and instructions of the Scottish ambassadors, the rectifying of which gave occasion to reiterated messages to the court of Scotland, made it evident that the view of these transactions on the part of the Scots, was only to gain time. Hereupon Henry sent the last orders to his army to advance into Scotland.

Herbert. Hall. Holingshed.

* Buchanan says, that lord Home, with four hundred horsemen, first encountered the English: who fell into disorder, and fled, on perceiving the earl of Huntley advancing to the assistance of his countrymen. James was so much pleased with this advantage, that he made a present of the lands of Hirsel to Sir Andrew Ker of Littledean, for bringing him the first news of it. Home of Godscroft.

† Henry complains in his manifesto, that the Scots refused to dismiss these prisoners for ransom; which, he says, was contrary to the usage and custom of the borders, in the time either of peace or war.

‡ To defray the expence of this armament, he raised considerable sums by a loan. Carte, vol. iii. p. 166.

§ These were, the earls of Shrewsbury, Derby, Cumberland, Surrey, Hertford, Angus, Rutland, and the lords of the northern counties. Sir Anthony Brown master of the horse, and Sir John Gage comptroller of the king's household.

‖ James's ambassadors sent to York were, the lord Erskine, and others.

** Perhaps Newcastle. No place is mentioned in the manifesto.

Henry VIII. K. of England. 1542.

He also published a manifesto, declaring the grounds of the war; which are in substance, the injuries and affronts received in the instances above recited, by himself and his subjects, from the king and subjects of Scotland; to which it is also added, that the Scots, contrary to treaty, entertained in their country certain rebels who had been engaged in the late insurrections in England. This manifesto also asserts the superiority of the kings of England over the kingdom of Scotland, and gives a long deduction of the same sort of proofs by which Edward I. and some of his successors, endeavoured to support this claim. But Henry declares, that it was no part of the purpose of the present war, to extort from his nephew the acknowledgment of this superiority; it being still his resolution to maintain that moderation and natural affection which had hindered him from availing himself of the victory at Flodden, in James's minority, and the intestine divisions of his kingdom; all which had afforded the most favourable opportunities of gratifying his ambitious views on the side of Scotland, had any such views been ever entertained by him.

Whatever share is to be ascribed to the artful management of the Scottish king, in delaying the approach of the English army, it is certain the duke of Norfolk did not enter Scotland until the 21st of October. Norfolk is said to have obliged Learmonth, and the other Scottish ambassadors, to accompany him in his march as far as Berwick; that they might not give intelligence of his proceedings to his master. James, however, having received certain information that the English were advancing, augmented the body that Huntley commanded to ten thousand men; a reinforcement being sent for that purpose, under the lords Home, Seaton, and Erskine. This little army watched, at a convenient distance, the motions of the English up the side of the Tweed, and hindered their spreading far into the country. Norfolk's army advanced a few miles above Kelso, and burnt in its progress several places near the Tweed *, the most considerable of which was Kelso itself and the abbey. While the duke was at Farnton, the fourth day after his entering Scotland, the bishop of Orkney and James Learmonth, being sent from the king of Scotland, had a conference with him near his camp, in order to the restoring of peace, but without effect: and Norfolk, having no prospect of bringing matters to the decision of a battle, and finding his army beginning to be distressed by scarcity of provisions and the rigour of the season, led it back to Berwick, after having been only eight days on Scottish ground.

Herbert, p. 223.

Hall. Holingshed.

Mean while the king of Scotland having received intelligence that Norfolk intended to direct his march towards Edinburgh, drew together an army of thirty thousand men on Fala-moor, situated on the road between Edinburgh and Kelso at the distance of about twenty computed miles from the border. But before he had completed the necessary provision of stores and implements of war, he learned Norfolk had left Scotland and retired to Ber-

Buchan. l. 14. Drummond.

* The towns and villages burnt by the English army, according to Hall, were the following: Paxton, Ramrigg, Stein, Graden, Sheils, Lang Ednim, Newtown, Stitchel, Nentborn, Smallholmspittle, the two Muirdeans, Slederick, the two Broxlaws, Floors, and the Fair Croft, Ednem-spittal, Roxburgh, Kelso, and the abbey, Long Sprowstown, Ryden, and Haddenston. Abbeys were not now accounted sacred by the English.

wick.

wick. His next object was to proceed with his army into England, and to take revenge for the destruction that the English had committed on the Scottish borders; but having proposed this to the nobles and chieftains of his camp, they almost unanimously refused to accompany him farther. They alleged the rigour of the season, scarcity of provisions, the honour already acquired, by the retreat of so formidable an army of his enemies into their own country upon his approaching towards them, and their own anxiety for the king's person, who had at that time no children alive. But the genuine motive of this obstinate refusal was their dissatisfaction with the king's measures and ministers. He had made great efforts to defend his royal prerogatives and revenues, against the encroachments of his nobles: he had severely punished the enormities of many of them, particularly of the border chieftains, by imprisonment, fines, and exile *. The family of Angus to whom the king was implacable, had many friends in the kingdom; a considerable number also secretly favoured the reformation of religion, and of consequence were enemies to the clergy: and the ascendant which men of that order and their dependents had over the king, was extremely provoking to the lay-lords. When the Scottish nobles were in this temper, the best opportunity they could have of gratifying it, was when attending their sovereign in his camp at the head of their vassals; who were much more the soldiers and subjects of their several chieftains than of the king. It was even said that they had entered into a plot to re-act the proceedings at Lauder, in the time of James III. against the king's favourites; and that the king, alarmed at the measures prepared for their destruction, sent them from the camp to Edinburgh. Thither he soon followed in person, after having dismissed his army; and vented his displeasure in many grievous complaints and vain menaces against his undutiful nobles.

James V. K. of Scotland. 1542.

In order to allay the intolerable chagrin that preyed on the the unhappy monarch, it was soon after resolved, in a council of his favourites, to make an inroad into England by the west marches; the conduct whereof was undertaken by the lord Maxwel. Ten thousand men were destined for this service, who were called together in the most secret manner; and farther to conceal the project, cardinal Beaton and the earl of Arran raised men in the usual public methods, and issued orders for their moving towards the eastern march. The king sent the greatest part of his domestics to join in the inroad; and awaited the issue of it in person himself at a castle not far from the western border †. According to the Scottish writers, the success of this enterprize, which was very promising, as the English were wholly unprepared on that side, was defeated by the king's immoderate affection for Oliver Sinclair. He had appointed this minion ‡ lieutenant-general of his army; and his commission

Drummond, Buchanan.

* See above, p. 530. The king, also, after returning from a voyage he made round his kingdom, having found that several of the border-chieftains, during his absence, had been guilty of enormities, committed them to prison, and obliged them, before they were restored, to find security for their future good behaviour. Drummond.

† Carlaverock, about twelve miles from the border.

‡ The English writers, in the list of the Scottish prisoners taken on this occasion, call Oliver the king's minion.

being

Henry VIII. K. of England.

1542. Nov. 24.

being produced at the critical moment of an appearance of a body of the enemy, and Sinclair himself being elevated on two pikes to show him to the forces as their leader, a general murmur and breach of all order immediately ensued. The ferment was perceived by an inconsiderable number of English cavalry, drawn up in good order upon a neighbouring eminence, under the command of Dacres and Musgrave, who, snatching the opportunity, made a brisk attack upon the already broken Scots, who fell, as was natural to expect, an easy and almost defenceless prey to the English. Upwards of a thousand prisoners were taken, and among those not a few of the nobility; some of whom chose captivity in England, rather than, by escaping to their own country, to expose themselves to the vengeance of their incensed sovereign*.

This miserable defeat, ascribed wholly by James to the perfidy and malignity of his nobles, joined to their late behaviour at Fala-moor, gave the poor prince such exquisite anguish and vexation of mind, as quite overstrained his bodily frame, though naturally full of vigour, and then in the flower of life †. He died broken-hearted nineteen days after; leaving, as the heir of his kingdom, his daughter Mary, an infant of a week old ‡.

Dec. 13. Ep. RR. Sc. vol. ii. p. 157. prove this date: Mary Q. of Scotland.

This unexpected revolution in Scotland, produced an immediate change in the views and conduct of Henry with regard to that kingdom. He resolved to embrace the favourable opportunity offered to him, of extinguishing the inveterate strifes of the two nations, and of uniting them under one head; by contracting a marriage between the infant queen of Scotland, and his son and heir Edward, a boy at that time about five years old. For effectuating this

* The Scottish nobles made prisoners at this rout, were, the earls of Caffils and Glencairn, the lords Somerville, Maxwell, Gray, Oliphant, and Fleming. Of noble families, were, Robert Erskine, son and heir to lord Erskine, Henry Maxwell brother to lord Maxwell, and John Lesly younger, son to the earl of Rothes. Gentlemen near the east borders were, George Home lord of Ayton, ransomed for 200*l.* sterling, and James Pringle (no title given him) for 400 merks sterling. Besides these, there were one hundred and fifty others, whose ransom was settled by the commissioners employed to negociate the peace.

† The English writers say, that his distress was increased by hearing of the murder of an English herald (Somerset) at Dunbar, by one Leech an Englishman, who had been engaged in the Lincolnshire rebellion in 1536, and had taken refuge in Scotland.

‡ James, the year before he died, solicited and obtained from the Pope, the monastery of Melros, in addition to that of Kelso, to be given in commendam to his natural son James, and that of Coldingham to his natural son John. Way was made for these commendams, by the resignation of the former incumbents, Andrew (*a*) of Melros and Adam of Coldingham, who were provided in other benefices. In order to augment the revenues of these monasteries, the king proposed, that the Pope should empower the administrators for his sons, who were both boys, to let the tithes belonging to these monasteries for nineteen years, and their lands either in leases of that extent, or in perpetual fues. Writing to one of the cardinals, James describes them as small monasteries, (*Monasteriola*) situated on the borders of the kingdom, adjacent to some of the strongest places of the English, from which incursions used to be made into the Scottish borders, and where heretical sermons being frequently preached, the contagion of these, by the sameness of the language, was easily spread. For checking both which evils, the king demanded these monasteries to be entrusted to his natural sons. The governor Arran asked the revenues of them to be employed for the service of the public, and particularly for the defence of the kingdom against the English, and that for that end he might have the administration of them, until the majority of the royal boys; all needful expences being first allowed out of them, for the support of the boys, and other necessary burdens. Ep. RR. Sc. vol. ii. p. 116, 118, 158, 174.

(*a*) Andrew was made bishop of Whithern, and had 1000 merks annual pension out of Melros revenues. Adam was made abbot of Dundrennan.

project,

project, he endeavoured, by kind and generous treatment, to gain to his interest the Scottish nobles who had been made prisoners at the late rout near Solway, and had been conducted thence to London. After having engaged *, in the most solemn manner, to employ their interest and endeavours to re-establish peace and promote the intended marriage, they were allowed to set out from London, in their return towards Scotland, on the first day of the year; at Newcastle, they delivered to the duke of Suffolk, lieutenant of the north, hostages for securing their return, in case of their failing to accomplish what they had undertaken; and so proceeded towards Edinburgh, where they arrived about the middle of January. The earl of Angus and his brother accompanied them; availing themselves of the present opportunity, afforded them, by the feeble and unsettled state of their country, of returning to it, after an exile of more than fourteen years †.

Mary Q. of Scotland. 1542. A. D. 1543.

An impotent effort of Cardinal Beaton archbishop of St. Andrews, to seize into his own hands the reins of government; having failed, the regency of the kingdom and keeping of the infant queen, agreeably to the laws and custom of the nation, and with the consent of the greatest part of the nobility, was assumed by James Hamilton earl of Arran, presumptive heir of the crown. To him the lords who returned from their captivity in England applied, in the name of the English monarch and their own, for his concurrence in the proposed treaty of peace and marriage. Arran, who favoured a reformation in religion, and stood in need of the help of Henry, and of the lords just mentioned, to support himself against the cardinal, the queen-dowager, the clergy, and others of the French faction, readily entered into measures for promoting Henry's views ‡. A safe-conduct, which Henry had offered to ambassadors to be sent from Scotland, to negociate the peace and marriage, was immediately applied for. A parliament was also assembled in March; which approved of Henry's overtures, and authorised and instructed ambassadors appointed to go into England to treat of them §. The same parliament recognised

Sadler's Letters p. 161.

* Some of them (says Keith) entered very cordially into his measures, promising upon oath, and binding themselves to labour all they could, not only to bring about the proposed match, but likewise to bring the young queen immediately into England, and to get the government of the kingdom of Scotland devolved upon his majesty, and the strong holds thereof put into his hands. Keith, p. 26.

† Patrick earl of Bothwell also embraced the same opportunity of returning from his exile. He had been long at Venice. But from the absolution of that earl in November 17, 1544, from a charge of treason raised against him, it appears, he must have returned to Britain before the king's death; for he is accused of treating in England with Henry and his counsellors, and receiving money from them in January 1542, and in the December preceding. Ap. Ep. RR. Sc. p. 326.

‡ Arran, soon after his accession to the government, set free Sir Robert Bowes, and the other English prisoners, upon their bonds, according to the custom of the marches. Holing. Eng. Chron. p. 959. But this seems not to be consistent with the convention in the next page.

§ These were, Sir James Learmont of Balcomy, Sir William Hamilton of Sanquhar, and Mr Henry Balnaves of Hall-hill, secretary of state.

An abstinence or truce was also about this time concluded with England. It is not published by Rymer, but often mentioned in Sadler's letters. In the beginning of June, it was prorogued by proclamations of the governments of each nation till the first of July. By another proclamation, it was continued till the 1st of August. Sadler's Letters, p. 244, 257, 277. This abstinence or truce

Henry VIII. K. of England. 1543.

recognised Arran's title to the crown after the infant queen, confirmed him in his high office, and settled his council and the attendants of the queen. They also reversed the forfeiture of the earl of Angus and his brother Sir George.

Henry, knowing how little he could rely on the authority, abilities, or resolution of Arran, and well acquainted with the power of the clergy and French faction in Scotland, had formed a scheme of having the young queen and some of the chief forts of the kingdom, together with the principal administration of its government, put into his own hands. The Scottish lords of his party had engaged to second him in the prosecution of these views; but Sadler his ambassador, who arrived in Scotland just after the rising of the parliament, soon discovered how impossible it was to accomplish his master's project. The cardinal, who had been committed to custody, had soon the address, by imposing on the governor, and by bribing lord Seton who had him in custody, to regain his liberty. The party of that artful and ambitious prelate, had the national prejudices against England on their side *, and cultivated this advantage with great success. The clergy contributed their money and sounded the alarm of the danger of falling under the dominion of an heretic. The king of France, with whom Henry, who had joined the Emperor, was at open enmity, sent over at the cardinal's request, the young earl of Lennox, the governor's deadly adversary †, with promises of all manner of succours against England, and an offer of renewing the ancient league between France and Scotland. But until the expected aids from France arrived ‡, the cardinal and his party gave fair words in regard to the transactions with England; and Henry, willing to prevent or delay an open breach, nominated commissioners to treat with the Scottish ambassadors, who soon concluded with them a treaty of peace, and another of marriage, on such conditions as could be obtained §.

Sadler's Letters March 18.

April.

June 7.

July 1.

truce was ill observed by the earl of Bothwell, who had the rule of Liddisdale. Sadler says, "I "think him the most vain and insolent man in the world, full of pride and folly, and here I assure "you, nothing at all esteemed." Sadler, p. 224.

* These prejudices grew so strong, that Sadler was persuaded, that if the lords in Henry's party should declare themselves openly for England, and unite their forces with the English; they would be deserted by their own relations and servants.

† Lennox was at that time serving in Francis's army in Italy.

‡ A French fleet of sixteen ships was on the Scottish coast off Aberdeen and Arbroath in the end of June and beginning of July, suspected of bringing men, money, and arms, for the use of their party. Sadler, p. 279, 282. They were, on their way homewards, attacked by six English ships on the coast of England; two of them were taken, and eleven of them retired for shelter into the Frith of Forth. Ib. 298.

§ To the Scottish ambassadors first sent, were afterwards added, by the authority of a convention at Edinburgh in the end of April, where the chief noblemen of each party were present, the earl of Glencairn and Sir George Douglas. Their joint commission to these ambassadors for negociating the peace and marriage, in name of the queen and governor, is dated May 4th. The English commissioners were, the lord Audley chancellor, the duke of Norfolk treasurer, Stephen bishop of Winchester, and Thomas of Westminster, William lord St. John chamberlain, and Sir John Gage comptroller of the king's household. Henry assumes in the treaty his favourite title, of *Supreme head on earth of the church of England and Ireland.* Sir George Douglas came from London with a draught of the treaty, which was laid before a convention of Scottish lords held at Edinburgh on June 6th, and agreed to by them with a few alterations. Sadler, p. 260, 265.

In

Mary, Q. of Scotland. 1543.

In the former of these treaties, the article by which each nation is restrained from giving any manner of aid to the invaders of the other, is expressed in the same strong terms, as in the last treaty of 1534; but the proviso, respecting the ancient league with France, is not added, as not agreeing with Henry's present situation in regard to that kingdom. The article, renouncing the advantage of ecclesiastical censures and dispensations, is also continued; and all the other articles perfectly agree with those of the last treaty, with which it also corresponds in the duration of the peace concluded by it; this being to continue for the joint lives of the sovereigns, and a year after the death of the first who deceased. By the treaty of marriage, prince Edward and the young queen were solemnly betrothed to each other. The queen's jointure was fixed *. It was agreed, that within a month after she had completed the 10th year of her age, she should be conducted to Berwick-bounds, and there delivered to persons commissioned by Henry, or his son, to receive her; the marriage contract having been first completed by the solemn engagement of proxies. To secure the fulfilment of these articles on the part of Scotland, two earls and four barons, or their heirs, were, within two months after the date of the treaty, to be delivered as hostages †. It was also agreed, that, though the two countries, in consequence of this marriage, should become subject to one sovereign: yet Scotland should still remain a distinct kingdom, and retain its ancient name, laws, and liberties. On the same day with these treaties was subscribed a convention, fixing the rates of the ransom of the Scottish lords and gentlemen who had been made prisoners at Solway-Moss ‡; with this condition, that if the English prisoners §, whose ransoms were to be settled in Scotland, should be taxed at a lower rate, proportionable abatements should be made from the ransoms of the Scottish prisoners; and that the treatment of the latter in England should correspond to that of the former in Scotland.

Rym. vol. xiv. p. 786, 792.

Rym. ib. p. 796.

Before the expiration of the time limited for the ratification of those treaties, they were confirmed at Edinburgh by the governor, in the manner that the treaties themselves prescribed. The cardinal and his party were not present in the parliament held for this purpose; Angus, and the lords of the English faction, being at that time too powerful for them to contend with. They also well knew that these treaties could have no effect, as none of the lords

August 25. Rym. vol. xv. p. 4.

* This was lands, &c. of the clear value of £2000. per. ann. while her husband continued prince, to be increased to £4000. after he became king. The title to this jointure commenced on the consummation of the marriage.

† The manner of ratification of this treaty, which was to be accomplished within two months after its date, was to be, on the part of the king of England, by his subscription and great seal, together with his oath in the usual manner; and on the part of the kingdom of Scotland, the confirmation and oath were to be given in name of the whole kingdom, by authority of the three estates, together with the consent of the governor, and letters, containing verbatim the tenor of these treaties, with the great seal of the queen affixed.

‡ The ransoms to be paid by the earls of Cassils and Glencairn, were £1000, sterling for each. The other ransoms were lower.

§ These were, Sir Robert Bowes, and others, who were taken at Hadden-Rigg. Above, p. 539. Sadler's Letters, p. 269.

Henry VIII. K. of England. 1543.

shewed any disposition to go into England as hostages; and the governor was not able to compel them. The English king perceiving the growing strength of the French faction, and the precariousness of other methods of accomplishing his designs with regard to Scotland, had endeavoured, by tempting offers*, to prevail with the governor to send the infant queen into England, and also to put the strong holds in the south of Scotland into his hands. The opposite party frustrated the project of delivering up the queen, by assembling their forces about the beginning of August, and removing her from Linlithgow to Stirling †, a fortress in the power of the queen dowager, and kept by such as were wholly attached to her and the cardinal. From this time, Henry seems to have despaired of the success of his negociations in Scottland; for, in the course of this month, he ordered some Scottish merchant-ships to be seized, which being laden chiefly with fish and bound to France, had by contrary winds, been obliged to anchor near the coast, or to enter some of the ports of England. The pretence for this was, that the Scots were carrying provisions to his enemies; but as a commerce of this nature was not clearly prohibited by the last treaty, or those preceding it, the Scots insisted that the infraction was on the part of Henry. Hence the aversion to an union with England was increased, and the French faction rendered more popular and bold; which soon appeared by the insults which the mob of Edinburgh and Leith offered to the English ambassador and his retinue. An open defection of the governnor to the opposite party soon after followed; which was chiefly ascribed to the influence of his natural brother, John Hamilton abbot of Paisley, and David Panter, secretary, men of abilities and address, and wholly devoted to the interests of France and Rome ‡.

Sadler, p. 344.

Ib. p. 330.

Ib. p. 380, 428.

Sept. 3.

The earl of Angus and the others lords in Henry's interest, made a stand a while against the opposite faction, and received a great accession of strength when they were joined by the earl of Lennox. The power and popularity of this young nobleman were very great, and his ambition had been for some time encouraged by the cardinal, to indulge the most aspiring prospects. It was the opinion of many, that the governor was illegitimate; his father having married his mother, by virtue of a divorce obtained from Rome against a former wife, upon inadequate grounds: and on the supposition of Arran's bastardy, Lennox, being the grandson of Arran's father's sister, the daughter of Mary, sister to king James III. was presumptive heir to the crown. The cardinal had flattered him with the hope of having his claim authenticated by the judgment of the three estates in his favour; in consequence whereof, Arran's offices of governor of the kingdom and tutor to the queen, would

Sadler, p. 379.

* Henry offered his daughter, lady (afterwards queen) Elizabeth, in marriage to Arran's son, and to make him king of Scotland beyond the Frith. Sadler, p. 309.

† For effecting this, and hindering the other party to prevent it, the cardinal and earl of Huntley raised forces in the north, Argyle and Lennox in the west, and Bothwell, Home, and the laird of Buccleugh in the east parts upon the marches. Sadler. p. 294. Lesly, says, "he was conveyed to Stirling by a great army.

‡ The laird of Fyvie was, about this time, sent into England to witness Henry's ratification of the peace; but this the king refused to give, on account of the Scottish hostages not being delivered within the time limited by the treaty. Sadler, p. 383.

have

have devolved upon Lennox; and expectation was also given him of obtaining the queen-dowager in marriage*. At the same time, the friends and agents of the politic cardinal availed themselves of the dread of such revolutions, to engage the pusillanimous governor to abandon the interests of England, and reconcile himself to the opposite party. As soon as this was effected, the cardinal, having acquired the leading of a man much more tractable than Lennox; and who was at the same time his own near relation †, began to treat the other with neglect, and to shew, by evident tokens, that he had no intention of accomplishing any part of what he had formerly promised. The cardinal had likewise great credit at the French court, and made use of it to destroy the influence of Lennox there, and to engage that court to call him back, that he might not disturb the measures of those who were capable of doing more service to France. By this usage, Lennox was provoked to join the lords of the English party, to which he was also allured by his desire of marrying the lady Mary Douglas, daughter to the earl of Angus, by the late queen-dowager of Scotland ‡, who resided in England at the court of her uncle Henry.

Mary, Q. of Scotland. 1543.

A Scottish parliament meeting in December, annulled the treaties of peace and marriage that had been concluded with England five months before; founding their sentence on the English having seized in a hostile manner the ships and goods of Scottish merchants, within the time limited by these treaties for the ratification of them §. The governor afterwards endeavoured to subdue Lennox and the lords attached to England; who had raised a numerous body of forces in their defence, employing for this purpose not only their own extensive influence, but a considerable sum of French money, which had fallen into Lennox's hands, through the ignorance of the Frenchmen who brought it of his rupture with the friends of France. But the address of the cardinal prevailed with Lennox to dismiss his superior army with which he had marched to Leith, and to agree to terms of pacification. The same prevailing arts effected a more lasting reconciliation between the governor and Angus; for the security whereof, Angus delivered his brother Sir George as an hostage. Lennox, suspecting treachery, soon abandoned the court, and retired to his castle of Dunbarton. The earl of Glencairn was now his principal friend; but the governor defeated a great body of the followers of these lords near Glasgow, and wrested that city and its castle out of their hands. Lennox employed the earl of Angus and lord Maxwell to mediate a peace with the governor at Glasgow; but the governor, for his farther security, made these

Dec. 11. Keith's Hiſt. App. p. 10. Ep. RR. Sc. App. No. 8.

A. D. 1544. Buchanan. Holingſhed. Leſly.

* Patrick earl of Bothwell was alſo ſaid to have been a candidate for the queen-dowager's bed. Sadler, p. 333.

† *Erat ea amita cardinalis natus.* Buchan. This aunt was Janet Bethune, widow of Robert Livingſtone, who was third wife to the governor's father.

‡ Lennox had propoſed this to the earl of Angus before July 11, 1543. But Angus left the diſpoſal of his daughter wholly to the king of England. Sadler, p. 281.

§ The ſame parliament, at the requeſt of ambaſſadors from the king of France, agreed, that the ancient alliance between the king's of France and Scotland, ſhould be ratified and renewed. Ep. RR. Sc. p. 313.

Henry VIII. K. of England. 1544.

mediators prisoners, and detained them in custody, until the invasion of Scotland by the English in the following year.

Henry, hearkening more to his pride and resentment than to the dictates of calm and sound policy, resolved to revenge himself of the perfidy and ingratitude of the nobles and people of Scotland, by a formidable invasion* In order to collect the forces destined for this expedition, and to command in it, Edward Seymour earl of Hertford, uncle to Edward prince of Wales, was constituted lieutenant-general of the north, and came in the month of March to Newcastle. Towards the end of the following month, he embarked an army of ten thousand men on board a fleet of two hundred ships, commanded by Dudley lord Lisle, admiral of England. With this armament he sailed into the Forth, and on the 4th of May disembarked near Leith. Soon after he was joined by a body of four thousand light horse, under lord Eure†, warden of the east marches, and captain of Berwick. The Scottish regency, having scarce made a show of resistance, retired from Edinburgh; and that city, together with Leith and the country for several miles round, was pillaged and burnt by the English. After employing about ten days in this work, their fleet sailed from Leith laden with booty; and the army on the same day marched towards Berwick, plundering and destroying the country as they passed through it. On the second night of their march, they encamped nigh Dunbar, and burnt that town on the morning of the following day. In the former part of that day, they were somewhat distressed by a mist, and by receiving intelligence of a body of enemies in the neighbourhood, led by the lords Seaton and Home, and the laird of Buccleugh: from whom they apprehended an attack, as they moved through a narrow and dangerous pass called the *Pease*. But the fog dispersing, and the Scots not chusing to hazard an engagement with forces so much superior; the English army marched quietly to Renton in the Mers, where they destroyed a pile, and burnt the village itself, and some places near it.‡ From thence, setting out on the day following, they arrived at Berwick, not having lost above forty men in the whole expedition. In the following month, Hertford was called to the king's

Holingshed's Eng. Chron.

May 15.

May 18.

Haynes, p. 42.

* He was advised and solicited to make this invasion by the earls of Angus, Lennox, Glencairn, and Cassils: Haynes, p. 18, 19, 20. The earl of Angus and his brother had promised to join the English with all their kinsmen and dependents; as the process of treason against them bears. Ep. RR. Sc. App. p. 322, 325.

† William lord Eure. Herbert seems to say, he met with opposition on his march; but no particulars of it are recorded. (Herb p 243.) His son Sir Ralph was at that time lord warden of the middle marches. Haynes, p. 22.

‡ These were, Butterden, Quickswood, Blackburn, Billy, and the Tower. The last named of these places belonged to the earl of Angus. The earl of Hertford had it in particular charge, to burn and spoil in his journey, without respect to whom the places should appertain; and if his honour and promise was not engaged to the contrary, to bring with him into England, the earl of Angus and his brother, if they should put themselves in his power. Haynes, p. 35. Hertford complains in a letter of May 27, of Sir George Douglas hindering several of the best gentlemen in Mers and Tiviotdale, from accepting assurance from the king of England, by the hopes of getting easier terms for them as his friends; adding, that those who had been formerly assured as his friends, had behaved very falsely. Haynes, p. 38.

presence,

presence, and the earl of Shrewsbury appointed to succeed him in the lieutenancy of the borders. Mary, Q. of Scotland. 1544.

While Henry was thus, on one side of the island, venting his wrath in a manner no less destructive to his own views than distressing to his adversaries; he was engaged, on the other side of it, in a negociation that promised more real and lasting advantages. This was carried on with the earls of Lennox and Glencairn, the former of whom continued his suit for lady Margaret Douglas, and both sought the protection of Henry against the cardinal and governor. A treaty was at last concluded at Carlisle, between commissioners from the English king, and others from the above-named lords *, by which these lords renounced all covenants, either public or private, inconsistent with the present, particularly any prior engagements with France; and also engaged, to exert all their power to prevent the conveying of the young queen out of the island, and to endeavour to seize her person, and deliver her to the king of England. They likewise undertook to assist Henry to subdue and defend the counties of Mers and Tiviotdale, particular mention being made of some of the principal towns and strong places in these counties. They were farther engaged, to give Henry all the assistance in their power, in order to his being recognized director and protector of the realm of Scotland. In reward of these services, they were to be powerfully supported against their enemies; Lennox was to be made governor of the kingdom with a suitable revenue, but with an entire dependence on Henry for every thing of moment; he was also encouraged to hope for the marriage of Henry's niece; and both he and Glencairn were to have pensions †. Lennox, impatient to conclude his marriage, sailed from his castle of Dunbarton not long after; and entered into a new convention, confirming the former, and settling the conditions of his marriage with lady Margaret. For the sake of so precious an acquisition, he consented to put into the king of England's hands, the castle of Dunbarton and the isle of Bute; and not long after the marriage was celebrated, he sailed from Bristol into the Clyde with some English troops ‡, which, joined by a few of his own highlanders, made depredations on the lands of the earls of Arran and Argyle, and his other enemies; but Stirling, who held under him the castle of Dunbarton, preferring the good of his country to the interest of Lennox, refused to deliver up that fortress

Rym. vol. xv. p. 22. May 17.

Ep. RR. Sc. App. p. 234. About the end of May.

August. Holingshed. Herbert. Keith, p. 47. Ep. RR. Sc. vol. ii. p. 218.

* The Engliſh commiſſioners were, Sir Thomas Wharton lord Wharton, lord-warden of the weſt-marches of England, over againſt Scotland, and Sir Robert Bowes, ordinary maſter of requeſts to the king. Thoſe from Lennox and Glencairn were, Hugh Cunningham and Thomas Biſhop. Glencairn was alſo preſent himſelf, and Robert Stewart biſhop elect of Caithneſs, brother to the earl of Lennox, who both ſign the commiſſion along with the commiſſioners. The biſhop was to remain in England as hoſtage for his brother's fidelity in keeping the treaty: and Hugh Cunningham nephew to Glencairn, who was in England as hoſtage and pledge for his uncle's entry and ranſom (Glencairn having been one of the priſoners taken at Solway Moſs), with others, who were there on the ſame footing, were to continue as hoſtages and pledges for Glencairn's performing his part of the contract.

† Glencairn was to receive 1000 crowns immediately. In the July following, he had a penſion of 250*l.* ſterling, and his ſon lord Kilmaurs 125*l.* ſettled upon them during life.

‡ With eighteen ſhips, and about ſix hundred men. Ep. RR. Sc. vol. ii. p. 218.

to

Henry VIII. K. of England. 1544.

to the English; and hereby Henry was disappointed of an acquisition, which he had the greatest probability of obtaining, and which would have rendered him very formidable to his enemies in Scotland *.

Although, after the invasion of Scotland in May, Henry employed the best and greatest part of his forces in an expedition which he made, in concert with the Emperor, into France; yet the Scots were so enfeebled, by their late losses and domestic dissentions, that the successes in the border-incursions, by which the war was carried on through the summer, were almost wholly on the side of the English. In an inroad made by Sir Ralph Eure in June, Jedburgh was taken and burnt. Kelso was then, or soon after, treated in the same manner †, and the neighbouring country every where miserably plundered and destroyed ‡. In these circumstances, the governor sent an ambassador (*a*) to Henry in France, to solicit a truce. Henry is said to have granted this;

Keith, 47. Holingshed. Buchanan. Herbert, p. 249.

(*a*) Sir George Meldrum of Fyvie in Aberdeenshire.

* Lesly, p. 477. says, that Henry was greatly provoked at the failure of the enterprise on Dumbarton castle.

† It was proposed, that if the town and abbey should be found to be tenable, they should be garrisoned and kept for the king of England's use. It was also proposed to take and keep Home castle, the taking of which Henry thought would be of great importance to the furtherance of his affairs, and might with little cost be made tenable. Haynes, p. 39. But neither of these projects were effected at this time by the English.

‡ There is a particular account of the destruction made and spoils carried off in these inroads, published by Haynes, in his collection of State-Papers, p. 43,—51. The whole number of towns, towers, stedes, barnekyns, parish-churches, bastel-houses, seized, destroyed, and burnt, in all the border country, was an hundred and ninety-two, Scots slain four hundred, prisoners taken eight hundred and sixteen, nolt ten thousand three hundred and eighty six, sheep twelve thousand four hundred and ninety-two, nags and geldings one thousand two hundred and ninety-six, gayts two hundred, bolls of corn eight hundred and fifty, insight gear, (furniture I suppose), &c. an indefinite quantity.

The greater part of these devastations were committed in the Mers and Tiviotdale. The circumstances of most of them are too inconsiderable to be remembered. The incursions of Berwick garrison were chiefly along the coast, where they marauded as far as Dunglass. The garrison of Wark having a commodious central situation, and being, together with the neighbouring fortress at Cornhill, commanded by John Carr a brave and active man, made many successful forrays both over the Tweed as far as the hills of Lammermuir, and over the *dry march* into Tiviotdale. The other commanders of chief note, besides Sir Ralph Eure, were Sir Brian Laiton and Sir George Bowes. On the 17th of July, Bowes, Laiton, and others, burnt Dunse, the chief town of the Mers, and John Carr's son, with his garrison entered Greenlaw, and carried off a booty of cattle, sheep, and horses. On 19th of the same month, the men of Tyndale and Ridsdale, returning from a road into Tiviotdale, fought with the laird of Farniherst and his company, and took himself and his son John prisoners. On July 24th, the Wark garrison, the captain of Norham castle, and H. Eure, burnt Long Ednim, made many prisoners, took a bastel-house strongly kept, and got a booty of forty nolt, and thirty horses, besides those on which their prisoners were mounted, each on a horse. August 2d, the captain of Norham burnt the town of Home, hard to the castle gates, with the surrounding stedes. September 6. Sir Ralph Eure burnt Eikford church and town, the barnekyn of Ormiston, and won by assault the Mose Tower, burnt it, and slew thirty four people within it; he likewise burnt several other places in that neighbourhood, and carried off more than five hundred nolt, and six hundred sheep, with a hundred horse-load of spoils got in the Tower. September 27th, the men of the east and part of the middle-march, won the the church of Eccles by assault, and slew eighty men in the abbey and town, most part gentlemen of head surnames; they also took thirty prisoners, and burnt and spoiled the said abbey and town. On the same day, the garrison of Berwick brought out of the east end of the Mers, six hundred bolls of corn, and took prisoner Patrick Home, brother's son to the laird of Ayton. November 5, the men of the middle-march burnt Lessudden,

in

this; but it was probably for a short period, and ill observed. For soon after his return to England, he gave the command of a body of forces to the earl of Lennox, in conjunction with the lord Dacres and Sir Thomas Wharton, who entering Scotland, laid waste a great tract of country *, and carried off much booty, without meeting with any resistance. Another successful expedition, of the same nature, was made in the course of the winter. Mary, Q. of Scotland. 1544.

In one of the last of the inroads made by the English, they seized the abbey of Coldingham †, fortified the church and steeple, and left a garrison in them. The garrison, by its excursions, so much infested the adjacent country, that it was resolved by the governor and his council to expel the English from the place. Having with this view collected an army of eight thousand men, he conducted them to Coldingham in the midst of the rigours of winter. The English not obeying the summons to surrender, the besiegers immediately began to batter the steeple, and continued to do so for a whole day, and through the following night; the army remaining all the time under arms. The governor, disconcerted by a resistance which probably he had not expected, and alarmed with the intelligence of the English approaching from Berwick, and diffident, it would seem, of the fidelity of his own followers, secretly set out from the army on the following day, accompanied with a few of his most familiar friends, and rode with all the speed he could to Dunbar. This desertion of the leader was naturally followed by a dissipation of his army; who would have either left behind or destroyed their artillery, had not Angus prevented this disgrace, by insisting that it should be carried off. He himself undertook the charge of preserving it; and while the rest of the army took the shortest way to their homes, he with a band of his own dependents, and a few others, marched in the rear of the small train of ordnance, boldly repelling the attacks of some English horsemen, and conveyed it safely to the castle of Dunbar. Buchanan. Godf. vol. ii. p. 117.

Angus, besides the display made on this occasion of his prowess, affected to shew his sincerity in abandoning England, and in attaching himself to the governor and his friends. He and his brother Sir George had just before this expedition, been absolved by authority of parliament, from processes of treason raised against them, for waging war against their country in conjunction with the English, and for the traitorous correspondence they long and openly afterwards maintained with those enemies of their country. They were particularly charged with having invited and encouraged the English, Epp. RR. Sc. App. 321. from Regist. Parl. fol. 131. Nov. 17.

in which were sixteen strong bastel-houses, slew several of the owners, and burnt much corn. November 9th, Sir George Bowes and Sir Brian Laiton burnt Dryburgh, a market town, all except the church, with much corn, and brought away an hundred nolt, sixty nags, an hundred sheep, and much other booty, spoilage, and inright gear.

The above dates and devastations are taken from the letters of the commanders on the borders, giving an account of their exploits.

* They took and destroyed Dumfries in this expedition. Wharton was soon after rewarded for his services, by being summoned to parliament, in quality of a baron, who was the first lord Wharton. He died A. D. 1568.

† Sir Ralph Eure wrote to the English court November 17, that it was taken and kept for the king's use.

to

Henry VIII. K. of England. 1544.

to the invasion made by the earl of Hertford in the preceding May *. At the same time, Patrick earl of Bothwell, was absolved from a process of treason against him, for intercourse with the English, during the late invasion and before. Remission was likewise given to the earls of Glencairn and Cassils, and Hugh Campbell of Lowdon, sheriff of Air, for their treasons. Thus the wasting war which Henry carried on in Scotland, produced a general union of Scotchmen against him; and the governor was the more ready to shew favour to all these offenders, for the sake of strengthening himself against the queen-mother, who was about that time seeking to possess herself of the regency.

Dec. 12.

Buchanan. Hume of Godscroft. Lesly, p. 478.

The continued successes of the English in their border inroads, encouraged them to new and more extensive enterprises: Sir Ralph Eure, and Sir Brian Laiton, had greatly distinguished themselves in this marauding war. They repaired to court to represent their services; by which they pretended that the counties of Mers and Tiviotdale were already subjected to the English yoke; and they undertook upon receiving proper aid and encouragement to extend their conquests to the Forth. Henry bestowed due praise on their prowess; and is said to have assigned to them, and their fellow-adventurers, for their reward, the property of their past and future conquests †. To defend and carry on their acquisitions, he also gave them the command of three thousand mercenaries; to whom having joined two thousand men of the borders, they came with this little army to Jedburgh, about the middle of February. The

A. D. 1545.

Scots were too sensible of the mischiefs already done by these men, and were not ignorant of their vaunts. The earl of Angus was roused by them to exert himself in defence of his country; and, at the same time, of his private interest, for he had great possessions both in Mers and Tiviotdale, which the English had seized or ravaged: and they had, in some of their late inroads, destroyed the tombs of several of the illustrious men of his name and family, who had been buried in the abbey-church of Melrose. Having therefore, by cordial offers of his service, engaged the governor to accompany him ‡, they set out together from Edinburgh, towards the borders, with three hundred horse, and had received but a small addition to that number from the counties of Lothian and the Mers, when they arrived at Melrose. The English army, then at Jedburgh, about eight computed miles distant, informed of the small number accompanying the governor, attempted to surprise him, by a speedy march to Melrose in the night-time. But their approach being discovered, the Scots retired to some of the neighbouring heights; where they were in safety themselves, and could observe the motions of their enemies. The English, finding that the Scots were out of their reach, after collecting what booty they could in Melrose, retired in the morning towards Jedburgh. The Scottish

* Particular mention is made of the Douglasses being with the English at Hadden Rigg, erroneously called Halidon-Rigg, and afterwards with the duke of Norfolk.

† Henry is said to have made this grant by the advice of the duke of Norfolk, who well knew the precariousness of such acquisitions. Herb. 249.

‡ The court of England had great resentment against the Douglasses, who had been so long protected by Henry, and had come under such strong engagements to support his interest in Scotland: notwithstanding which, they had gone over to the party of the cardinal and governor.

army

army, being joined by three hundred horse from Fife, under the command of Norman Lesly, eldest son of the earl of Rothes, a youth of great spirit; and afterwards by Walter Scot of Buccleugh, with a small number of his dependents, hung over the march of the English; and, at last, resolved to give them battle in the neighbourhood of the village of Ancrum *. Having dismounted from their horses, and sent them to some eminences in their rear, they drew up on a piece of low ground, where they were in a great measure hidden from the English, who, from the motion of their horses imagining they had already begun to fly, marched precipitately towards them. Out of breath, and in confusion by their too rapid approach, exhausted with the toil of marching and watching through the preceding night, having also the setting sun and wind full in their faces, they came all at once upon the Scots, who, being drawn up in the firmest order, received them with an attack no less fierce and resolute, than unexpected. The English soon falling into utter confusion, their leaders Eure † and Laiton, were killed, and eight hundred of their army, many of whom were persons of note. There were also a thousand made prisoners ‡, and of these eighty of good rank. The Scots are said to have lost only two of their number; and to have treated their enemies on this occasion with great barbarity §.

Mary, Q. of Scotland. 1545.

An account of this great advantage gained by the Scots, was soon transmitted to the French king, and accompanied with earnest solicitations for aid against the common enemy. Francis was now in a better condition to grant a request of this nature than in the preceding summer; the Emperor having, at the end of last year's campaign, made a separate peace with him. Nor did Henry in the present year attempt any new conquests in France, but contented himself with maintaining his acquisitions, and defending his coasts, against the descents of the French. The succours which Francis sent to his

Ep. RR. Sc. vol. ii.

* The Scots commonly call this, the battle of Ancrum-Moor. Holingshed in Sc. Chron. calls the place of it Panier-haugh, or Broom-house. Stowe calls it Panier-haugh. Lesly says, that Sir Ralph Eure had burned the tower of Broom-house, with its lady, a noble and aged woman, her children, and whole family; a deed of cruelty ill suiting Eure's courage; and that after the rout of the English, the cry of the borderers, who, with their red crosses, had waited the event, was to revenge Eure's cruelty at Broom-house. Lesl. 478.

Holingshed says, the number of the Scottish forces was one thousand five hundred, of whom eight hundred were gentlemen. He says also, and Lesly confirms it, that the confusion of the English was increased by the desertion of seven hundred Scottish borderers, who served in the English army. In letters from Sir Ralph Eure of the 14th of September preceding, the Crosyers, Olivers, Halls, and Turnbulls, are said to have entered bond with England. Haynes, p. 46.

† Eure was in high reputation, and his death much regretted by his king and countrymen. There are two letters from him written with a very soldierly spirit in Haynes. The first dated from the castle of Alnwick, and the other from that of Warkworth. He calls each of these the king's castle.

‡ Among the prisoners was Read, an alderman of London, who refusing obstinately to advance his share of a sum, which Henry in the preceding month demanded in the way of benevolence from the citizens, was, in punishment, sent to serve in the war against the Scots; and had more money to pay for his ransom than the benevolence would have cost him. Herb. p. 249.

§ The Scotch historians must certainly diminish their loss. *Parta autem victoria*, says Lesly, *ita in fugientes sævitum est, ut nihil illustre postea gesserimus, quin potius luculenta ad Musselburghum plaga accepta maximas summæ immanitatis pœnas dederimus.* Lesly, p. 478.

Henry VIII. K. of England.

1545.

allies of Scotland, consisted of three thousand foot and five hundred horse, under the command of Montgomery lord of Lorges*, which having arrived in May, and being joined with about fifteen thousand Scots, marched towards the borders in the end of July. The army encamped on the side of Tweed, opposite to Wark-castle, and sent parties over the river, which ravaged the neighbouring villages and fields in England, and had also some inconsiderable skirmishes with their enemies. Montgomery, seconded by lord Home, made pressing instances, that the whole army should advance into England; but to this, the governor and his council would not agree, founding their refusal on their want of artillery and other things necessary for reducing the castles in their way. The Scottish army having dispersed in a few days without effecting any thing of consequence †, the earl of Hertford, who was again intrusted this summer with the command in the north of England, entered Scotland in the beginning of September with an army of twelve thousand men, of whom a considerable number were foreign mercenaries ‡. He marched up from Coldingham through the counties of Mers and Tiviotdale, and ravaged and burnt the whole country in his way §. The abbies of Kelso, Dryburgh,

Keith, p. 47. Buchanan.

Rym. vol. xv. p. 72.

Holingshed's Sc. Chr. p. 338. Eng. Chr. p. 969.

* Montgomery also brought over the French king's order of St. Michael to the governor, and to the earls of Angus, Huntley, and Argyle. He landed at Dunbarton, and came to Edinburgh with good order 15th of May, says Lesly; but, from the act of council, dated June 7th, at Glasgow, summoning, on occasion of the late arrival of the French, a convention of estates, it seems as if Lesly had mistaken the ides of May, for those of June. Ep. RR. Sc. App. p. 328. There is a general summons ordered for all Scotsmen between sixty and sixteen, sufficiently armed, and with a month's provisions, to rendezvous for this expedition on Roslin-muir, July 28. Ib. 329.

† Lesly says, that the French and Scots besieged Wark castle, and took the outworks of it; but being alarmed by a sudden inundation of the Tweed, raised the siege. Lesly, p. 479. He adds, that the French were stationed at Kelso, during the remainder of the year, for the defence of the marches; the Scottish nobles, according to custom, succeeding one another, and joining them in this service in their turns. Lesly, p. 479.

‡ Hertford, about the time of this expedition, had forbidden to return into Scotland, those Englishmen, who, having been made prisoners by Scotchmen, had been suffered, as usual, to go home upon their faith given to return when called; upon which, the Scottish council, complaining of this as a breach of honour and truth in the parties concerned, and an infringement of the ancient usage of the borders, did, upon the principle of the equity of retaliation, forbid all Scotsmen, who, having been prisoners, were now at home on their parole, to return at the call of their takers. Keith's App. p. 51.

Linlithgow. Nov. 1.

§ The places of all kinds, burnt, raised, and cast down, in the Mers and a small part of Tiviotdale, in Hertford's progress from Coldingham to Kelso, by way of Dunse and Eccles, were in number an hundred and twenty-nine; among these, Dunse itself, and the abbey and town of Eccles, underwent a second devastation; the tower and barnekin of Nisbet, the towers of Dunse, Red braes, Pollard, and Mersington, with the castles of Wedderburn and Blackadder were raised. On the river Tweed, from Kelso upwards, thirty-three places were destroyed, among which were, the abbey of Kelso, the abbey and town of Dryburgh, the abbey of Melrose, and the towers of Dawcove and Stotherick; on the river Tiviot thirty-six, among which the Friars near Kelso, the towers of Roxburgh and Ormeston, and the two towers of Boon Jedburgh; twelve places on Rowle Water; thirteen on Jed, among which the abbey, friars, and town of Jedburgh; forty-five places on the Kayle, and between it and the Tweed; nineteen on Bowbent (alias Bowmont). The sum total of the places destroyed or laid waste in the whole inroad, was two hundred and eighty-seven; of which monasteries and friar-houses seven; castles, towers, and piles sixteen; market towns five, villages two hundred and forty-three, mills thirteen, spittals and hospitals three.

Melrose,

Melrose, and Jedburgh, places no longer sacred with the English, shared in this general calamity. Nor did the Scots attempt any where to make opposition, except in the abbey of Kelso, which was defended for a while by three hundred men; but these were either slain or made prisoners by the assailants, part of whom were foreigners in the English pay. Mary, Q. of Scotland. 1545.

The remainder of this war was carried on by mutual incursions on the borders with various success. In one of them, which was made somewhere on the east borders, by three or four hundred Scots and some Frenchmen, the English attacking them in a strait pass, and galling them sore with their archers, put them to the rout with the loss of an hundred and forty of their number, either slain or taken prisoners; among the latter, was a son of the lord Home*. Robert, the eldest son of lord Maxwell, had the same fate in an incursion on the western marches; but this loss was balanced by the discomfiture, in the neighbourhood of these marches, of five hundred English, of whom the greatest part were either killed or taken †. The Scottish parliament, which met at Linlithgow in October, appointed a thousand horsemen to be raised with all expedition, for the defence of the borders through the winter; and for their maintenance, imposed a tax on the three estates, according to the usual proportion ‡. Sept 16. Holingf. Buchan. Keith, p. 48. Ep. RR. Sc. App. p. 341. Oct. 2.

Henry, during the winter and spring, was carrying on a negociation with France, which at last issued in a treaty of peace, by which Boulogne was left for a time in Henry's hands, as a pledge for a great sum, which Francis obliged himself to pay to him. In this treaty, the Scots were comprehended, without prejudice of other treaties, whereby either prince pretended to be engaged §; but so that the king of England should not wage war against them, without some new occasion given; with regard to which the present comprehension should be interpreted in the same manner as in the treaty of April 5, 1516 ‖; with this only alteration, that thirty days from the date of the present treaty should be allowed to the French king, to notify this comprehension to the Scots, instead of fifteen, which were allowed by the former. Henry had been very averse to grant this comprehension, which was accepted by the governor and parliament of Scotland, about two months after the treaty was concluded. Peace was in consequence proclaimed on both sides of the A. D. 1546 June 7. Rym. vol. xv. p. 97. Above p. 498. Rym. vol. xv. p. 82.

* There was also a French captain, and George Elphinstone archer of the corps to the French king. Holingf.

† Lesly mentions Maxwell, Lochinvar, and Johnston, as making successful inroads.

‡ The expence of them *per* month was £6000. at the rate of 4*d*. *per* day. The proportion between Scotch and English money at that time, perhaps, is not easy to ascertain. Patten, in his Journal, says, that £4 Scots, were then equal to one pound sterling.

§ It appears from a letter of Henry to Sir William Pagett, one of his secretaries of state, and one of those employed in negociating this peace, that he alleged, that by his treaties with the Emperor, he might not in anywise comprehend the Scots in this or any other treaty of peace, or truce. Rym. vol. xv. p. 82.

‖ There is surely a mistake in the date of the treaty referred to, as that date stands in the copy of the present treaty in Rymer. The date ought to be April 4, 1515. There seems also to be a defect in the present article of comprehension, in not limiting the day, as was done in the corresponding articles of the treaties 1514 and 1515; after which day, the excesses there described, were to be regarded as breaches of the peace.

Henry VIII. K. of England.

1546. Aug. 14. Keith, p. 49. Ep. RR. Sc. ii. p. 355.

borders*; but the Scots soon complained to the French king and his ambassadors at the court of England, that the English wardens had only proclaimed a cessation from war during their master's pleasure, and still continued their incursions, and refused to appoint days of meeting for redress. They insisted likewise on the restitution of the house of Eddrington †, called the Cawmills on the east, and of Langhope on the west border; on the liberation of prisoners, and giving up their pledges; also that, agreeably to the tenour of former treaties, Scottish rebels and traitors should not be entertained in England, and that no aid or support should be sent from England to the murderers of Cardinal Beaton.

Keith p. 43. Lesly, Buchanan.

March 1.

Saturday May 29.

That haughty prelate had incurred the violent resentment of Norman Lesly, by disappointing him of some claims, or promised rewards, for important services. He had rendered himself extremely odious, especially in the country where he resided, by persecuting the favourers of the Reformation, and especially by the burning of Mr George Wishart, a zealous preacher of the reformed doctrines, and a man universally esteemed. The pretences of religious zeal animating to such severities, were belied by the pride, ambition, and undisguised lewdness of Beaton's life, which destroyed all reverence of his clerical character. Hence it was not difficult for Lesly to find accomplices in a plot framed by him for the cardinal's destruction, which was conducted with perfect secrecy, and executed with a resolute fierceness, in Beaton's own castle of St. Andrew's ‡. Several gentlemen, and others from the neighbouring country, approving the deed, joined themselves to the perpetrators, and formed a sufficient garrison for the defence of the castle §, which the unhappy cardinal had, just before his death, been fortifying and providing with necessaries, for security against descents of the English. The murderers and their accomplices were soon after condemned in parliament as guilty of high treason, and their estates forfeited: and the governor accompanied by the fighting men of the neighbouring counties on each side of the Forth, laid siege to the castle, and continued it in vain for almost three months. The besieged had entered into a correspondence with the king of England, whom they had rid of one of his most inveterate and troublesome foes. They professed great zeal for the marriage of their queen with prince Edward, and were all

* In the May before the peace was proclaimed, the governor and council of Scotland being informed, that divers in Mers and Tiviotdale sat under *assurance of England*, ordered the justice clerk to prosecute such persons, according to the act relative to their offence. Keith's App. p. 51. Keith observes in the note, that there are several acts to be met with in the records against *assured* persons.

† They say of Eddrington, that it is a waste incomplete house, marching with the bounds of Berwick, and as the use has been, that as often as it is taken in war, it was delivered again at the making of the peace. Ap. Ep. RR. Sc. ii. p. 357.

‡ The Scottish council say to the king of France, that the slaughter of the cardinal had been committed treasonably by the persons in whom he *confided maist traistlie, his seals, servands, and household men*. Ap. Ep. RR. Sc. ii. p. 358.

§ John Knox joined them, and preached in the castle, who, says Lesly, *se evangelicæ perfectionis cumulum assecutum non arbitrabatur, nisi in cardinalis ac sacerdotis sanguine ac cæde triumphasset*. Lesly, p. 481.

favourers

favourers of the Reformation. These professions procured them the friendship of Henry; and their situation on the sea was commodious for their receiving supplies from him of the things they stood in need of. Being thus situated, and attacked by forces alike deficient in the art and implements of besieging, the governor, about the middle of winter, agreed to a capitulation, in which the surrender of the castle was stipulated, but at a distant period, and on conditions which seemed to have no meaning on either side, but only to gain time. Soon after Henry died, leaving his kingdom to his son Edward VI. a boy of ten years of age. The fate of his neighbour sovereign is said to have given the king of France, who had long been in a declining state, a shock that hastened his end. Francis died in less than two months after Henry.

Mary Q. of Scotland. A. D. 1547.

Jan. 28.

March 22.

THE

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND.

## BOOK VIII.

Edward VI. K. of England. 1547.

THE earl of Hertford, soon after Henry's death, was advanced to the dignity of duke of Somerset; which promotion, with several others*, that were made at the same time, was known to be agreeable to the intention of the late king. But Somerset not content with this elevation, and the influence which his near relation to the young king must naturally have given him, aspired to higher power and titles; and had so much influence over the other counsellors and executors of the king's will, as to obtain the consent of the greater part, for investing him with the office of *protector of the kingdom and governor of the king's person*, until Edward should attain the age of eighteen years. Soon after this council gave him a power over themselves and the nation no way inferior to the regal. The protector, agreeably to the dying exhortation of the late king, entering zealously into the prosecution of his designs on the side of Scotland †; soon concluded a convention with the garrison of St. Andrews, upon conditions that Henry had approved of. In a treaty concluded about the same time with the French king, for confirming the articles settled by the league of the preceding June, it was agreed, that no prejudice should thence result to the last treaty between the English and the Emperor, nor to any preceding treaties that France pretended to have concluded with the Scots. Henry, the young king of France, being thus at liberty to support his ancient allies, whom the English regency had refused to

Feb. 16. Carte, vol. iii. p. 201, 204.

March 13.

March 9; 15. Rym. vol. xv. p. 132, 144.

March 14.

* Dudley viſcount Liſle (afterwards duke of Northumberland) was at that time created earl of Warwick.

† The Scottiſh regency informed the king of France, that they were ſurely advertiſed, that Henry intended to ſend an army into Scotland, in the February that ſucceeded his death. Ep. RR. Sc. p. 376.

comprehend

comprehend in this new treaty, sent over a small fleet of gallies, under the command of the Leo Strozzi, with forces, engineers, and artillery, to assist in reducing the castle of St. Andrew's. The news of the arrival of this fleet brought back the governor from an expedition he had undertaken to the western borders, where he took and destroyed the castle of Langhope. And by the joint efforts of the French and a body of national troops, the garrison of St. Andrew's castle being, after a fortnight's siege, reduced to the last extremity, surrendered to the French general, on condition of having their lives spared, and of being carried over to France; to remain in that, or some other country, exiles from Scotland.

Mary, Q. of Scotland. 1547. Buchanan. Holingshed.

July 30.

The succours, which the garrison of St. Andrew's expected from England, were retarded by the length of time required to prepare the great armament, with which the protector resolved to invade Scotland, both by sea and land. The Scots were expecting this invasion all the summer; an ambassador, whom the governor had sent to the English court, with proposals of certain terms of accommodation, wherein the marriage of Edward with the queen of Scotland was not included, having returned in May, with intelligence of the rejection of his offers, and of the great preparations that were making in England, for an expedition against Scotland. Hereupon the Scottish council issued proclamations, for firing beacons on the hills near the coasts from St. Ebb's Head all the way to Linlithgow, upon discovering the approach of an English fleet; and to have post horses provided at each beacon to carry intelligence, if the enemy entered the realm in the day-time*; and also forbidding all persons to forsake their habitations, or remove their goods on account of the threatened invasion, the governor being resolved, at the hazard of his life with the noblemen and subjects of Scotland, to resist the invaders. These precautions, though somewhat premature, were not without sufficient ground; for, in the end of August, an English army, of about eighteen thousand men, consisting of excellent troops, well furnished with all kinds of warlike stores, and commanded by the protector in person, arrived at Berwick. At the same time a fleet of thirty-four ships of war, thirty transports, and a galley, appeared in the bay before that place. The protector, on the second day after his arrival, escorted by his own band of horsemen and a few more, rode to Eymouth,

King Edward's Journal.

May 25. Ep. RR. Sc. Ap. vol. ii. p. 383. 387.

Sept. 1. Patten's Journal.

* Seven hills, within the extent mentioned, are appointed to have bails set and kept upon them in the night-time. These are St Ebb's-Head, the Dow Hill above Fast-Castle, the Domi-Law above Spot, North Berwick-Law, Domiprender-Law, Arthur's Seat, or Edinburgh-Castle, and Binning's Craig above Linlithgow Persons are also charged with the care and keeping of each; Sir George Douglas of Pittendreich, of that at St. Ebb's-Head; the laird of Restalrig of that of Dow-Hill; Robert Hamilton, captain of Dunbar, of that on Domi-Law above Spot; the Prioress of North Berwick of that upon North Berwick-Law; Patrick earl of Bothwell of that on Domiprender-Law; the town of Edinburgh of that on Arthur's Seat, or Edinburgh Castle; and William Hamilton of Perdovan, and Matthew Hamilton, master of the household to the lord governor, of that of Binning's-Craig above Linlithgow. If the enemies came by day-light, these persons, being provided of post-horses at the several bails, were, by post, to send advertisement from one to the other. The rendezvous from the East and West was to be at Edinburgh, and proclamations were issued to all the inhabitants of the neighbouring country to observe the signals, and to be prepared with all military accoutrements to move as thereby directed.

where,

Edward VI. K. of England. 1547.

where, having examined the inlet by which the small river Eye discharges itself into the sea, he found it would be a commodious place for a harbour; and, soon after, ordered a fortress, for defending its entrance, to be built on a promontory on its north side *. The army, after encamping two days in the fields near Berwick, upon the sea-side, began its march towards Scotland; the fleet, at the same time, steering its course towards the Frith of Forth. The dangerous pass of the *Pease*† was rendered more troublesome by some trenches cast across it; but the pioneers of the English army soon removed these obstructions. The castle of Dunglass, situated near the western extremity of this pass, was yielded by its keeper Matthew Home, nephew to the lord Home, to which lord the castle belonged‡; and lest it should disturb the army in their return, was demolished; though not without trouble, by reason of the thickness of the walls, and there being founded deep in a rock. Two small piles in the neighbourhood made a defence, but were soon reduced; some of the desperate people within them being slain, and others spared.

Sept. 4.

Patten's Expedition againſt Scotland in Holingſ. Eng. Chr.

Passing by the castle of Dunbar, which would have required too much time to reduce, the English advanced towards Edinburgh, and on the eighth pitched their camp in the neighbourhood of the small town of Preston-Pans§; their fleet lying in the Firth as near them as it safely could. At the distance of about two miles along the shore, on the west side of the river Esk, near Musselburgh, was encamped an army of thirty thousand Scots, under the command of the governor, who had sent messengers over the kingdom with a fiery cross, to summon all men between sixty and sixteen to follow him in defence of their country. On the day following, a band of Scottish horsemen approaching the English camp too wantonly, were unexpectedly encountered by a body of English cavalry and some foot: after a skirmish of three hours, the Scots were defeated, and driven back to their camp with great slaughter. The lord Home in the rout fell from his horse, and received a hurt, of which he died at Edinburgh soon after: his eldest son was taken prisoner in the same action‖. A challenge given by the earl of Huntley to

Patten. Hayward, p. 284. Buchanan.

* He appointed Thomas Gower marſhal of Berwick to be governor of this fortreſs.

† It is called Peathes, by Holingſhed, and by Hayward Peaths; which according to the latter, is the ſame with Paths, and denotes deep paths running ſlopewiſe down the deſcents, on the ſides of the hollow ground through which this paſs lies. "So ſteep be theſe banks on either ſide, ſays "Patten, and deep to the bottom, that who goeth ſtraight down ſhall be in danger of tumbling, "and the comer up ſo ſure of puffing and pain; for remedy whereof the travellers that way have "uſed to paſs it, not by going directly but by paths and foot-ways leading ſlopewiſe, of the "number of which paths, they call it ſomewhat nicely indeed, *the Peaths.*"

‡ But Patten calls it, a caſtle of George Douglas. "The garriſon, he ſays, conſiſted of "twenty-one ſober ſoldiers; all ſo apparelled and appointed, that ſo God help me, (I will ſay it "for no praiſe) I never ſaw ſuch a bunch of beggars come out of one houſe together in my life."

§ Patten calls it *Salt Preſton.*

‖ Of our ſide, ſays Patten, one Spaniſh hackbutter was hurt: and Sir Ralph Bulmer knight, Thomas Gower marſhal of Berwick, and Robert Crouch, were taken; all captains of ſeveral bands of our light horſemen, and men of right good courage and approved ſervice, and at this time diſtreſſed by their own forwardneſs, and not by the enemy's force.

the

the protector of England, to decide the quarrel by a single combat, being rejected on the one hand, and on the other, no regard being paid by the governor of Scotland to proposals of accommodation, in which the terms formerly insisted on by the court of England were much lowered, matters were brought next day to the decision of a battle. This the Scots were so fond of, and so much persuaded that the English sought to decline it, that though they had in the former day lost the best part of their cavalry, they abandoned in the morning their strong situation, and approached towards their enemies with a precipitation that proved fatal; the earl of Angus leading the vanguard, the governor himself commanding the main body, and the earl of Huntley the rear. Although a band of English horse were at first repelled by the firmness of the Scottish spearmen, this shock was soon recovered; and the English gaining the advantage of the ground, and making good use of their cannon, both on the field and on board some of their ships, whose guns were brought to bear upon their enemies, the Scots were soon seized with a general panic, threw down their arms, and betook themselves to flight. The English made a great slaughter in the pursuit* Many persons of note were killed, and many taken prisoners; of the latter, the earl of Huntley, lord chancellor of the kingdom, was the chief.

Mary, Q. of Scotland. 1547.

Sept. 10.

On the day after the battle, the English army advanced to Leith. The protector received there the submission of some Scotchmen †; and took measures for securing the command of the important Friths of Forth and Tay, by fortifying Inchcolm, in the former, and sending some ships to reduce the castle of Brochty-Craig, situated on the south-side of the entrance of the latter. The advanced season of the year, and intelligence he had received of plots carrying on against him at the English court, determined him to leave Scotland, without pursuing any farther at that time the great advantage he had gained. He spared Edinburgh; but Leith, contrary to his intention, was set on fire by his soldiers the day before he left it. In his return he took the shorter way leading to the eastern border over Sowtray; probably, in the view of reducing, as he passed, the counties of Mers and Tiviotdale. On the

Patten. Holingſhed.

* Divers of the nobility of Scotland, ſays Hayward, were here ſlain, and many gentlemen both of worth and noble birth; of the inferior ſort about ten thouſand; and, as ſome ſay, fourteen thouſand, loſt their lives. Of the Engliſh were ſlain fifty-one horſemen and one footman, but a far greater number hurt. The Scottiſh priſoners, accounted by the marſhal's books were about fifteen hundred. Hayward in Ken. 286. The prieſts and monks, of whom there were a great number in the Scottiſh army, received no quarter. The Engliſh ſlaughtered them without mercy; conſidering them as the chief promotors of the war. Buchan. l. 15. Hayward. The number of ſlain, according to Patten, was fifteen thouſand three hundred; of wounded two thouſand, of priſoners fifteen hundred. The loſs of the Engliſh in the whole expedition he makes not more than ſixty perſons. In this battle Somerſet acted the part of an able general; and Warwick, who was ſecond in command, greatly diſtinguiſhed himſelf.

The author has been ſhorter than uſual in his account of this action; which is called the battle of Pinkey, from a nobleman's houſe in the neighbourhood of that name. The reader may ſee a particular and well-written account of this engagement in Hume's hiſtory of England, vol iv. p. 325, 326. Small edition.

† Among theſe, was the earl of Bothwell, who on the night after the battle, was liberated from an impriſonment in which he had been held ſome time by the governor.

Edward VI. K. of England. 1547.

second day of his march he arrived at Lauder; and on the third, he encamped in a field, about a mile to the west of Home-castle. The army continued there the two following days, while the surrender of the castle was transacted with the lady Home, Andrew her son, John Home of Coldingknows, a near kinsman of the family, and others, who had the charge of the place. To enforce the arguments used for this surrender, the protector blocked up the castle, by disposing in proper posts around it, a body of musqueteers, so as to hinder all passing out or in without his licence; and afterwards erected on the south of it a battery of eight pieces of cannon, under cover of baskets filled with earth. The lady's concern for the safety of her eldest son, who remained a prisoner in the English camp, inclined her to surrender the place; but some of them who had the joint charge, of it, asked a delay until they should consult their lord, who continued at Edinburgh dangerously ill of the hurt he had received in the skirmish mentioned above. To this the protector refusing to agree, the castle was given up to the lord Grey, on the morning of the second day after the English arrived in its neighbourhood; the garrison, to the number of seventy-eight, marching out with what baggage they could carry, and leaving behind them their warlike stores and provisions *. Sir Edward Dudley, afterwards lord Dudley, was appointed captain of the place, with a garrison of sixty musqueteers, forty horsemen and a hundred pioneers.

Patten.

On the morning after the surrender of Home-castle, the English army marched towards the Tweed; and passing that river, encamped on the plain over against Kelso, between the ruins of the ancient castle of Roxburgh and the confluence of Tweed and Tiviot. The protector observing the strong and convenient situation of the ruined fortress, set about repairing it, so as to make it capable of receiving an English garrison. The gaps of the ancient walls were filled with turf; wherein loop-holes were constructed, some for shooting directly outwards, others in flank; and a trench was cast and a wall erected, from the one side to the other, at a small distance from each end of the castle †. So intent was the protector on finishing this work, that he laboured at it with his own hands two hours every day while it was carrying on; and his example was followed by most of the principal men in his army. The joint labours of so great a number, rendered the place defensible in five or six days; at the end of which, the English army dispersed; having passed the Tiviot on

* When the Engliſh general entered the caſtle, they found in it pretty good ſtore of proviſions and wine; alſo ſix pieces of braſs cannon, and eight of iron.

Beaugé relates, that lady Home was induced to ſurrender the caſtle by the menaces of the Engliſh general, to hang up her ſon his priſoner; who, for this cruel purpoſe, was brought forth bound in the neighbourhood of the caſtle. Hiſt. Campagnes 1548, 1549. p. 78, 79. But the hiſtoric credit of this French writer is much inferior to Patten.

† The ſcheme of the the new walls and trenches, according to Patten, was; "that one great "ditch of twenty foot broad, with depth according, and a wall of like breadth, depth, and "height, ſhould be made croſs within the caſtle, from the one ſide-wall to the other, and forty "foot from the weſt end; and that a like trench and wall ſhould alſo be caſt a traverſe within, "about a coit's caſt from the eaſt end; and hereto that the caſtle walls on either ſide, where "need was, ſhould be mended with turf, and made with loop-holes, as well for ſhooting directly "forwards as for flanking at hand."

Michaelmas

Michaelmas day, with no small danger and trouble *, by reason of some late rains which had swelled that river. While the English were at Roxburgh, a great number of the Scottish gentry in the shires of Mers and Tiviotdale came into the camp, made their submission to the protector, and swore fealty to the king of England †. The protector also conferred, in that place, the order of knighthood on many of the chief men in his army ‡. After the dismission of his forces, the protector moved towards Newcastle, having left behind him the lord Grey as the king's lieutenant on the borders; and committed the castle of Roxburgh to the keeping of Sir Ralph Bulmer, with a garrison under him, of three hundred soldiers, and two hundred pioneers. At the same time, the earl of Warwick, lord Grey, and others, went to Berwick to wait the arrival of certain Scottish commissioners, whom the governor of Scotland had promised to send thither; but the time prefixed for the arrival of the commissioners elapsed without their appearing; so that the promise of sending them seemed only intended to amuse §.

Mary Q. of Scotland. 1547.

A few days after Somerset had entered Scotland, by the way of Berwick, the earl of Lennox and lord Wharton, then warden of the west marches, passed these marches with a body of five thousand men; in the view of alarming and distressing the adjacent Scottish counties, so as to hinder them from sending their fighting men to join the army of the governor. In this inroad the English took Castlemilk in Annandale and destroyed Annan; the church and steeple of which were obstinately defended. Of these exploits Somerset received intelligence while he lay at Roxburgh; and sent from that place to Lennox and Wharton, letters, applauding and thanking them for their good service. Other irruptions were made in the following winter and spring from

Sept. 8. Holingshed's Sc. Chr. p. 343, 344, 345, 346.

* In Patten, and Holingshed from him, it is the Tweed: but this doth not agree with the situation of the English camp; and, besides, the river that the English passed, is described as having a bottom full of stones, which is true of the Tiviot, but not of the Tweed.

† Of these were, the lairds of Cessford, Farniherst, Greenhead, Hunthill, Hundley, Markeston by Merside, Bonjedworth, Ormeston, Mellerstain, Warmesey, Linton, Egerston, Maxton, Mow, Riddel, Reamerside (probably Beamerside). Twenty-one more are named of inferior rank or estate: among these, Robert Carr of Graydon, Sanders Spurvose (Purves) of Earlstone, Mark Car of Littleden, George Car of Fawdenside, Thomas Car of the Yair, John Car of Meinthon (perhaps Nenthorn), James Douglas of Cavers, James Car of Mersington, William Ormeston of Endmarden. There were many more beside these named, of harquebuttars and others. So Patten.

The form of the oath they took is in the collection of papers subjoined to vol. ii. of bishop Burnet's History of the Reformation, p. 111. and is as follows; "You shall bear your faith to the king's majesty our sovereign lord Edward VI. &c. till such time as you shall be discharged of your oath by special licence. And you shall, to the utmost of your power, serve his majesty truly and faithfully, against all other realms, dominions, and potentates, as well Scots as others. You shall hear nothing that may be prejudicial to his majesty, or any of his realms and dominions, but, with as much diligence as you may, shall cause the same to be opened, so as the same may come to his majesty's knowledge, or to the knowledge of the lord protector, or some of his majesty's privy council. You shall to the utmost of your possible power set forwards and advance the king's majesty's affairs in Scotland for the marriage and peace."

‡ Of these, three were created knights bannerets, viz. Sir Ralph Sadler, treasurer to the army; Sir Francis Brian, captain of the light horsemen, and Sir Ralph Vane, lieutenant of the horse. Forty-eight others were made knights. Patten.

§ Warwick, and the other commissioners for treating with the Scots, left Berwick on the fifth of October. Warwick while there, created five knights. Patten.

Edward VI. K. of England. 1547.

the same quarter, and under the same direction, with various success. The counties of Annandale, Nithsdale. and Galloway, were ravaged and over-run; and remained for some time in subjection to the English government, to which most of the principal men of those counties swore fealty *.

A. D. 1548.

The protector and council of England, willing to maintain an air of moderation amidst their successes, published, in the beginning of February, a conciliatory address to all ranks and characters of men in Scotland. In this soothing declaration they represented the advantages of a firm and lasting union between the kingdoms; insisted on the favourable opportunity presented by divine providence of accomplishing such an union, by perfecting the marriage that had been solemnly agreed on between Edward and Mary; utterly disclaimed all thoughts of conquest, or of establishing any kind of superiority over Scotland; and offered to sink their own name, together with that of the Scots, into the common name of Britons. As a specimen also of gratitude and good-will to those who had submitted to the king of England, and to all others who favoured this enterprise, a privilege was promised them, that had never before been granted to Scotchmen in any league of peace or treaty between the kingdoms. This was a freedom of commerce, equal in every respect to that enjoyed by the native subjects of England, now to be granted to all merchants and other Scotchmen who should enter their names with any warden of the English marches; and profess themselves, before that warden, to be friends of the alliance with England and of its promoters.

Grafton's Chr. Hol. Eng. Chr. p. 992.

Whatever force there might be in this declaration, to justify with impartial judges, the measures of the English government, with regard to Scotland, it is likely the English themselves had little hope of its making any considerable impression on the minds of the Scots, rankled as they were with the calamities of the present war, added to other violent and inveterate prejudices, both of a civil and religious nature. Persisting therefore in forcible methods, and resolving to maintain their acquisitions on the Scottish borders, they erected, in the end of winter and beginning of spring, a fort at Lauder; the command of which, with a sufficient garrison, was intrusted to Sir Hugh Willoughby. About the middle of April, the lord Grey marched into Lothian with a considerable body of forces, and fortified Haddington. He also took the castles of Yester and Dalkeith †, and ravaged the country as far as the neighbourhood of Edinburgh. Having spent about two months in this inroad, wherein he met with very little opposition, he returned to England, leaving at Haddington a garrison of two thousand foot and five hundred

* This submission was owing in a great measure to the interest the earl of Lennox had with some of the great men in those parts; particularly the knights of Lochenvar and Gairlies. Holingshed, Sc. Chr. p. 345.

In the last of Lennox's inroads, a body of Scottish horsemen having treacherously deserted him, and thereby brought him into the greatest hazard, and several persons of note having also abandoned and sought to betray him, there were several of their pledges or hostages executed at Carlisle, by order of the English regency. Holingshed, ib. p. 346.

† In the castle of Dalkeith, taken June 4th, three hundred were made prisoners, among whom were of note, the master of Morton, son-in law to Sir George Douglas, the laird of Blengarvie (Glenbervy), the laird of Wedderburn, and one Alexnder Home, a man of good reputation.

horse.

horse. The Scottish governor assembled an army to defend his country against the invaders, but was not strong enough to face them. The inhabitants of Lothian, Mers, Tiviotdale, Lauderdale, and forest of Ettrick, who had accepted the protection of the English, and given them their oath of fealty, were summoned to join the governor's army; a remission for their past offences being promised to those who did so, unless they were actually under process of treason; but at the same time those who failed, were certified, that they should be reputed traitors.

Mary, Q. of Scotland. 1548.

Haddington's Collections, and Keith's App. p. 57.

The lord Grey had scarce left Scotland, when a body of six thousand good forces, under the command of the Sieur d'Essé, an able and experienced commander, sent over by the king of France to the aid of the Scots, landed at Leith. Not many days after their arrival they laid siege to Haddington. The governor, and several of the nobles who were present at this siege, held a parliament in the abbey near the town, and there came to a resolution of sending the young queen over to France. To this the governor had secretly given his consent before; induced by the great offers of honours and rewards made to him by the French king *; and it was in consequence of this bargain, that Henry sent over to Scotland so considerable a body of troops. But although these troops displayed much both of courage and skill in the siege of Haddington, yet the English garrison made so resolute a defence, that the siege was changed into a blockade. The inland situation of Haddington, its distance from the English frontier, and the range of hills that lay in the way, made it very difficult for the English to supply it with necessaries. One convoy, escorted by two hundred horsemen †, got safe into the place in the night, and brought a most seasonable relief. But a far greater aid, sent by lord Grey from Berwick, under the command of Sir Robert Bowes and Sir Thomas Palmer was totally destroyed. This disaster hastened the motion of an army of fifteen thousand men, which was marching towards Scotland, under the command of the earl of Shrewsbury, and was attended by a fleet commanded by the lord Clinton. The French retired from Haddington on the approach of Shrewsbury; who reinforced the garrison with fresh troops, and supplied them with necessaries of all kinds, after they had been reduced to the last extremities. Marching thence to Musselburgh, where the French lay encamped, and where a numerous body of Scots had joined them, the English general offered battle; but the army of his adversaries was now under a more prudent direction than in the preceding year; and chose to remain in a situation where the English could not safely attack them. Hereupon Shrewsbury soon bent his course homewards. As he passed Dunbar, the German

June 16.

June 28. Keith, p. 55.

Holingf. Eng. Chr. p. 994.

* He was promised the title of duke of Chatelherault in France, an annuity of twelve thousand livres a year to himself, and a company of men at arms to his son. Many of the nobles, at this parliament, it was believed, were corrupted by French gold, which was distributed pretty liberally amongst them.

The French vessels that brought over the forces under the command of D'Essé, sailed soon afterwards round by Orkney to Dunbarton, where the young queen embarked for France, attended by the lords Erskine and Livingstone, and arrived safely at Brest. Spotsw. p. 90. Burnet, vol. ii. p. 83.

† Under the command of captains Windham, Warham, St. Leger, and John Carr of Wark.

mercenaries,

Edward VI. K. of England. 1548.

mercenaries, of whom he had three thousand in his army, burnt that town. For securing the communication between Berwick and Haddington, it was judged necessary to build a new fortress at Dunglass *; and to defend those employed in carrying on this work, the German mercenaries, together with some bands of English horse and foot, remained there for some time after the rest of the army returned to England. The lord Grey, who had accompanied Shrewsbury in his late expedition, and remained, after Shrewsbury was gone, invested with the chief command on the English marches, having collected the horse stationed on these marches, and carrying also along with him the German foot, over-ran Tiviotdale and Liddisdale, ravaging and destroying the country without mercy.

These successes of the English did not hinder the Scots from such enterprise as opportunities invited, and were proportioned to their inferior strength. D'Essé failed in an attempt to surprise Haddington, in the beginning of October; but in the end of December, the castle of Home was recovered by a sudden assault made upon it in the night, on the side where it was strongest, and of consequence most weakly guarded. An old gentleman of sixty, of the name of Home, is said to have been the first who mounted the wall. He was discovered through the dusk by a centinel, who gave an alarm to the garrison. This the old man perceiving, had the address and presence of mind immediately to retire, and conceal himself with his companions near the foot of the wall: no enemies being heard or seen, it was concluded that the centinel had been mistaken; and his companions in great security retired to their rest. Upon which Home again mounted the wall, and having stabbed the first he met with upon watch, all the rest of the garrison did either quickly share his fate, or were made prisoners †. Not long after, the fortress of Fast-castle was also taken by surprise. Certain young men of the neighbouring country, by order of the English governor, had conveyed thither, on horses, some provisions for the garrison. Having unloaded the horses, and taken up the provisions on their own shoulders, they were allowed to pass over the bridge, which joined two high rocks, and to enter the castle. But suddenly throwing down their loads in the entrance, and producing the weapons they secretly carried, they slew the centinels; and being supported by their companions, who instantly rushed after them, the English garrison were overpowered, and all of them either slain or made prisoners.

Dec. 26. Holingſ. Sc. Chr. p. 349. Buchanan, l. 15. Leſly, p. 500.

A. D. 1549.

* The author of the hiſtory of the Campagnes 1548, 1549, ſays, that lord Grey ordered the fort of Dunglaſs to be built on the brow of a hill, but blundered extremely in the ſituation; for no water could be had there, and that hill was commanded by a leſſer one, at the diſtance of about fifty paces, ſo high that none could ſtand at the *breach* (ita) of the fort without laying themſelves open, not only to the view, but alſo to the battery of that ſuperior ground. P. 63.

† Holingſhed, in Eng. Chron. p. 996, aſcribes the ſucceſs of this exploit to the treachery of certain *aſſured* Scots, who, uſing to bring victuals to the Engliſh, had obſerved the diſpoſition of their ſcouts and watches, with the places of the wall where the aſcent was moſt eaſy: and this is agreeable to the ſhort account of this affair in king Edward's journal, viz. "That "Home-caſtle was taken by night, and treaſon, by the Scots," App: to Burnet's Hiſt. Refor. vol. ii. p. 6. There is alſo a circumſtantial account of it, in Beaugé's Hiſtory of Campagnes 1548, 1549. p. 79—82.

The

Mary, Q. of Scotland.
1549.

The Scottish regency, apprehending that the English intended to fortify Jedburgh, sent the French general D'Essé thither to prevent it, and to annoy the neighbouring English marches. D'Essé's first exploit in this expedition was the recovering the castle of Farniherst, situated at a small distance above Jedburgh, on the west side of the river Jed. The Scots exercised great cruelties on this occasion *; but they excused them by the barbarous treatment the neighbouring country had received from the garrison of the place. D'Essé continuing some time at Jedburgh, made, by detached parties, some successful inroads into the English borders. In one of these incursions the castle of Cornhill, an old house of considerable strength, was taken by a body of Frenchmen, and spoils found in it of very considerable value †. Encouraged by the success of these incursions, the French general himself, accompanied with all his forces, and carrying with him four field-pieces, entered England. In this expedition he attacked the castle of Ford, and took and burnt the greater part of it; but was obliged to retire, leaving unreduced one of its towers, which was defended by Thomas Car. The French and Scots are said, at this time to have burnt some villages in the neighbourhood of Ford. A body of light horsemen ‡ being drawn together to defend their country, the invaders were obliged to retire; but their retreat was so well conducted, that they carried off in safety to Jedburgh, the booty they had collected, which was very considerable §. Soon after the English collected a little army ‖ at Roxburgh, which they intended to employ in driving D'Essé out of his post at Jedburgh, from whence he had much annoyed them. But the French general, receiving intelligence of their design, and not having above fifteen hundred foot and five hundred horse fit for action, retired first to Melrose, and thence into the interior parts of the country, where his enemies could not follow him **. Notwithstanding the success that upon the whole

Hift. Campagnes 1548, 1549, p. 94, 95. Holingſhed.

* The Engliſh governor, after ſurrendering himſelf to a French captain, had his head ſtruck off by a Scotchman, whoſe wife, it was ſaid, he had raviſhed. Hiſt. Sc. Chr. p. 349. Beaugé ſays, alſo, his daughter.

† Among the eatables, Beaugé mentions large quantities of ſalted ſalmon .p. 97.

‡ Beaugé ſays, there were more than three thouſand of them.

§ The Scots who attended the French in this expedition, were thought to have gained by pillage and booties, to the amount of nine thouſand crowns. Hiſt. Sc. Chr. p. 350. It is in the tranſlation of Beaugé, only nine hundred, but a cypher has been probably omitted; and that hiſtorian obſerves, that the Scots could not be prevailed on to divide any part of this booty with the French. p. 102.

‖ Leſly calls them, eight thouſand.

** The affronts and loſſes which the Engliſh ſuſtained in the inſtances above related, ſeem to have been much owing to many abuſes, and a grievous relaxation of diſcipline amongſt their forces employed on the borders. Theſe abuſes chiefly prevailed among the light horſemen, whoſe ſervice was of the greateſt moment in this marauding war. The captains, prefering baſe gain to their honour and country's good, made falſe muſters, and picked even part of the pay of thoſe who actually ſerved under them: the private men, naturally imitating and deſpiſing ſuch leaders, did not provide themſelves with ſufficient horſes and harneſs, nor take any care of thoſe they had; and were negligent of repairing to their poſts or ſtandards when called; and left them, as cowardice, humour, or intereſt, dictated. And as their ſole object was booty, they pillaged the Scots, who had ſubmitted, and been received into the king of England's protection, equally as others. For remedying theſe diſorders, and enforcing the ſtrict obſervation of duty and diſcipline, the Engliſh regency emitted a proclamation in the ſpring. Strype Mem. of Edw. p. 148, 149.

attended

Edward VI. K. of England. 1549.

attended this expedition, D'Essé's army suffered extremely in the course of it, through fatigue, sickness, and scarcity of provisions. The English under the earl of Rutland, arriving at Jedburgh, soon after the French had retired over Ancrum-bridge, found it desolate, and the houses uncovered. The goods belonging to the town were carried to Hundelee, Boonjedburgh, and other places. Hundelee, Boonjedburgh; and Hunthill, were next day stormed, burnt, and plundered by the English; of whom a party were sent the same day to Ancrum-bridge, and drove from it, not without difficulty, a guard which D'Essé had placed there to secure his retreat, and protect the adjacent village of Ancrum. This village which was a post of consequence to the Scottish border garrisons, was also plundered and burnt; and on the day following, the English wanting victuals, retired without loss or hinderance to Wark *.

Hiſt. Campagnes, p. 104. 105. Haynes.

In the summer of this year, the measures that had been employed by the English regency, for pursuing with vigour the war in Scotland, were in a great degree frustrated by the domestic commotions in their own country. These disturbances took their beginning from a proclamation issued by the regency for laying open inclosures; the multitude of which had become a great grievance to the poor. The common people thus encouraged to put forth their hand, to redress the injuries they sustained in temporal matters, were easily instigated to oppose also the innovations in matters of religion †, which biggotted or crafty priests and monks represented as injuries of far greater consequence. The levelling spirit did also revive among the lower order of people, that had raged long ago, in the reign of Richard II. In quashing the rebellions thus kindled, particularly in Devonshire and Norfolk, were employed a great part of the forces that had been levied or hired for the Scottish war. The lord Grey being also sent against the rebels, the wardenship of the eastern marches, and the lieutenancy of the north, were committed to the earl of Rutland. The valour and diligence of this nobleman preserved the affairs of his countrymen in Scotland on a respectable footing through the summer, notwithstanding the violent intestine distractions of England. His army lay, for the most part, at Dunglas, as the proper station for maintaining a communication between Berwick and Haddington. He besieged Home-castle in vain; a sufficient proof of his want of forces: and after failing in this enterprise, he ravaged Tiviotdale, and other parts of the country on the borders, in punishment, as was alleged, of the perfidy of the inhabitants, who had violated the oath of fidelity they had sworn to the English crown ‡. The only loss that is recorded to have been sustained nigh the borders by the English,

Holingſhed. Sc. Chr. p. 851.

* This little expedition muſt have been in May, for the letter giving an account of it is dated June 1. Haynes, p. 109.

† The reformed liturgy was eſtabliſhed by the parliament that ſat in the preceding winter. An act for uniformity in the uſe of it, under penalties, was paſſed January 15. Parl. Hiſt. vol. iii. p. 234.

‡ It is probable that many of them had obeyed a proclamation ordered by the council on the 13th of July; that all perſons *aſſured* to England ſhould, before a certain day, renounce this *aſſurance*, and report their doing ſo to the queen, the lord governor, and council; certifying to thoſe that failed, that they ſhould be purſued as enemies, with fire and ſword. Keith's App. p. 59.

during

during this summer, was at Coldingham. At that place were stationed some Spanish mercenaries, under the command of Julian Romero, who being surprised by a body of French and Germans, in the Scottish service, were all either made prisoners or slain. Mary, Q. of Scotland. 1549. Lefly, p. 505.

About the middle of summer the French general D'Essé, returned to his own country; and was suceeded in his command by Des Thermes, who brought over with him from France a considerable reinforcement. His principal employment, for some time after his arrival, was to obstruct the conveyance of supplies to Haddington; but in spite of all he could do, Rutland, during the summer, found means to support that garrison. In August, the French, encouraged by the violent civil commotions in England to attempt the recovery of Boulogne, proclaimed and begun a war with that intent. This war with France, following the distress and loss that had been suffered by the rebellions at home, disposed the English regency to abandon Haddington *; which they had hitherto retained with so much difficulty and expence. Rutland, marching thither in the end of autumn, with a sufficient body of forces, among which were a band of German mercenaries, totally demolished the fortifications of the place; and, without the least molestation from the Scots or French, conveyed the garrison, with all their artillery and stores, to Berwick. Holingshed's Eng. Chr. p. 1061. Oct. 1.

The Scots, with the help of their French allies, in the month of February following, took by storm the fortress of Broughty-Craig, which had been held by the English from the time of the battle of Pinkey; and soon after this success, they laid siege to the fort of Lauder †. Sir Hugh Willoughby had still the command of that place; and was reduced to great straits, when he received intelligence that peace with Scotland was proclaimed in England. One of the conditions of this peace being the surrender of Lauder fort, Willoughby was honourably freed from this charge; and delivered the fort into the hands of the besiegers, upon their delivering to him hostages for the conditions of the peace being fullfilled on their side. A. D. 1550. Feb. 20. King Edward's Journal, p. 11. April 10.

The war that had broke out between England and France, in the end of the preceding summer, was of short duration. The French found a resistance from the garrison at Bouglogne which they had not apprehended; and were not able to reduce that place by a long and vigorous siege, which they carried on in the course of the winter. They also knew that the court of England were endeavouring to draw over to their party, in the defence of Boulogne, the Emperor, who was at that time very formidable. On the other hand, the support and defence of Boulogne was an intolerable expence to England; and

* Lefly says, that the plague had got among the garrison, and killed a great number of them, p. 505.

† On the third of this month, an act of the Scottish council was made, appointing Alexander lord Home to make search for certain persons in the Mers and parts adjacent, who continued under *assurance* to England; and had, a few days before, furnished carriages and carriage-horses for supplying the fort of Lauder. This lord was ordained to apprehend six of the principal offenders, and punish them capitally; and for this purpose was authorised to hold courts of justice. Keith's App. p. 60.

Edward VI. K. of England. 1550.

March 24. Rym. vol. xv. p. 211.

Warwick, with his accomplices, who had lately driven out Somerset from his great offices and power, which they shared among themselves, were, for their own security, desirous of peace. These circumstances brought about a negociation, which issued in a treaty of peace, concluded at Boulogne, in the end of March. The principal object of this treaty was the restitution of Boulogne to France; which restitution accordingly was instantly made: but the French insisting that their allies of Scotland should be comprehended in the peace, this was also granted; though with great appearance of reluctance on the part of the English, who pretended, that their engagements with the Emperor hindered their giving peace to Scotland without his consent *. The articles in this treaty relating to Scotland were, that the forts of Dunglass and Lauder, which the king of England had built in Scotland, should be delivered to the Scots, together with all the ordnance within them, except what had been brought to them from Haddington; and that this restitution should be made, as soon as commodiously might be, and before the second payment of the four hundred thousand crowns †, which in the preceding part of the treaty, were agreed to be paid by France, in consideration of Boulogne being restored by the English. On the restitution of the above-mentioned forts, the English garrisons were to be allowed to retire from them safe and secure with their baggage, and the artillery that had been brought into them from Haddington. It was farther agreed, that if these forts ceased to be in possession of the king of England, he should be understood to be free from the obligation by which he now bound himself to restore them; and that in place of this restitution, and, as it were, in recompence for it, he should be obliged, within forty days after the date of the present treaty, to destroy and rase to the ground the towns and castles of Roxburgh and Eymouth; which places it should not be lawful for the king of England, the French king, or the queen of Scotland to restore and rebuild: And farther, if, according to the abovementioned agreement, the king of England should make restitution of the castles of Dunglass and Lauder, still he should be obliged to destroy and rase the towns of Roxburgh and Eyemouth, provided the queen of Scotland required him to do so, and, on her part, demolished the castles of Dunglass and Lauder. To these particular stipulations it was added, that the queen and kingdom of Scotland should, as confederates of France, be comprehended in the present treaty of peace; so that the king of England should commit no hostilities against them, unless a new and just occasion were given by the Scots themselves; and the queen of Scotland was obliged to certify under the great seal of her kingdom, within forty days after the date of the present treaty, her ratifying and confirming of the present comprehension, and all the articles of the treaty that related to her or her kingdom: with reservation, however to the king of England, of all rights and claims against France and Scotland; and to the

* The Emperor's ambaſſador afterwards alleged, that the Engliſh had broken league with his maſter, by making peace with Scotland; to whom it was anſwered, That it was the French king who comprehended them, and not the Engliſh; any farther than that the latter might not invade them without occaſion. King Edward's Journal, p. 11. April 19.

† This ſecond payment was agreed to be made before the 15th of the enſuing Auguſt.

French

French king, and queen of Scotland, of the rights, claims, and defences, which they had to oppose to the former. Mary, Q. of Scotland.

These articles of the treaty between England and France being without delay sent over to Scotland, the master of Areskine * was dispatched by the Scottish regency into England, to notify their acceptance of the said articles, and to require a ratification of them under the great seal of England, which was readily obtained. The fort of Dunglass was also given up by the English, and that fort, together with those of Lauder, Roxburgh, and Eyemouth, were demolished, according to the treaty. In this situation matters continued between the neighbouring kingdoms for more than a year. The English strengthened their northern frontier, by sending thither the principal captains who had commanded in Boulogne, together with six hundred men, of which two hundred were added to the garrison of Berwick. A survey was also made of the forts towards Scotland, in order to such repairs and additions as might seem most expedient; and it was probably in consequence of this survey, that considerable reparations and additions were shortly afterwards made to the fortifications of Berwick †. The earl of Warwick, soon after the peace with France, was made warden-general of the north, and had one hundred horsemen assigned him for that service at the public charge ‡: but Warwick chusing to remain at court, Bowes continued in his charge of warden §; and compensation was made to the earl of Warwick for the profits accruing from that office. A sort of inroad was made by lord Maxwell on the west border, directed chiefly against the Græmes, a Scottish family who had transferred their allegiance to the king of England: but Maxwell's progress was soon stopped by lord Dacres; and, as this incursion was probably owing to a private feud, the English do not seem to have considered it as a breach of the *comprehension*.

1550.
Rym. vol. xv. p. 255.
K. Edw. Journ. p. 13.
Ibid.
Ib. p. 11, 18.
Ib. p. 19.

Jealousy of the Emperor, formidable to all his neighbours by his ambition and great power, and particularly to England by his zeal for the Papacy, and his disposition to favour the claims of his cousin the princess Mary, produced a stricter union between the courts of France and England. A natural consequence of this union was, a new treaty between England and Scotland, for deciding and settling all points that remained doubtful and controverted; so as to secure the permanency of the tranquillity that now subsisted between the nations. The demands of the Scots were proposed to the court of England

* Thomas, master of Areskine, was also to pass into France as ambassador to that court. Among other instructions, one was, to request the king of France to fortify and maintain garrisons in Dunbar, Blacknes, and the forts of Brouchty and Inchkeith. And it is added, "that the lord "Home keep the castle of Home, and the king to support him as he pleases, because it is our "charge; and *to* (ita) the said lord to keep the same as an house of war, so near the borders."

† The charges in fortifications at Calais and Berwick, are mentioned in king Edward's journal, as a reason for debasing the coin. And mention is made in the same journal, of a piece of Berwick wall falling, because the foundation was shaken, by working of a bulwark (September 24, 1551). Edward's Journal, p. 28. 35.

‡ Warwick's fee was 1000*l*. per annum, and for each horseman ten pence a day. Strype, Mary, vol. iii. p. 28.

§ Bowes, for his good service, was to have had a pension settled on him, and to have been farther rewarded. Strype.

Edward VI. K. of England.

A. D. 1551.

in the beginning of 1551, by Monsieur de Lansai; and this Frenchman was afterwards one of those commissioned, in name of the Scottish queen, to negociate and conclude the treaty with commissioners from the king of England.

K. Edw. Jour. p. 22. 24. Rym. vol. xv. p. 263. Strype, Mem. Edw. p. 262. - June 10. Rym. ib. p. 265. Nicholf. LL. March. p. 56.

Those commissioned from each court having met at Norham*, subscribed a treaty, in the church of that village. In this treaty, the ancient accustomed articles relating to the manner of redress of wrongs, and to the intercourse between the nations by land and sea, were inserted; and some additions were made, respecting circumstances that had arisen from the late war. It was agreed, that the limits of the two kingdoms should be the same as they were before the beginning of the war between Henry VIII. and James V. The English having, in the course of the war, seized the house of Edrington and mill belonging to it, commonly called the Caw-mills, as also its lands, fishings, and other dependencies; for the restitution of which, no provision had been made by the comprehension of Scotland in the treaty between England and France; it was now agreed, that all these articles should be restored within four days after the date of the present treaty, and that the English garrison in the house should be removed. It was farther agreed, that such fishings on the Tweed, as the Scots were certainly known to possess, before the beginning of the war, from the bounds of Berwick upwards to Reddenburn, should now again belong to them, and be enjoyed and wrought by them as formerly they were; and that hostages and captives, on whatever account taken by either side, during the war, and still detained, should be dismissed freely, and as soon as possible. To the article, which is the same as in many preceding treaties, stipulating the delivery of malefactors that had fled from the dominions of one of the kings, and taken refuge in those of the other, a proviso is subjoined in the present treaty; excepting from this article, the subjects of either of the princes, who, favouring the party of the other, had, in the course of the late war, transferred to him their allegiance and service. The article relating to Berwick remains precisely the same in this treaty, as in all those concluded between the kingdoms since the year 1491. This treaty was ratified by Edward before the expiration of the month in which it was made, and by the governor of Scotland about the middle of August following.

Border Laws, p. 61.

Rym. vol xv. p. 271. 273. 281.

In the end of the preceding February, Henry Grey marquis of Dorset, was appointed warden of the marches towards Scotland†; but the disorders that prevailed in that quarter made his charge so disagreeable, that seven months were scarce elapsed, when he resigned it into the king's hands. It is probable, his resolution to make this resignation was promoted by the earl of Warwick, who had an entire ascendant over Dorset, and was desirous, among his other schemes of ambition, to resume into his own hands an office of so much consequence. Warwick immediately succeeded to the wardenship; and, not

Edw. Journ. p. 35.

Strype, Sept. 28.

* The Scottish commissioners were, Robert bishop of Orkney, Robert lord Maxwell, Thomas master of Erskine, and Louis de St Gelais lord of Lansac, knight. The English, Thomas bishop of Norwich, Robert Bowes, Leonard Beckwith, and Thomas Chaloner, knights.

† The same authority says, he had three sub-wardens; the lord Ogle in the east, and the lord Coniers in the west marches. The middle-warden not mentioned.

many

many days after, was created duke of Northumberland *; the marquis of Dorset being at the same time made duke of Suffolk, and others of Warwick's creatures receiving high titles and offices. The violent prosecution and death of Somerset followed soon after; by which the power of Northumberland was established during the remainder of Edward's reign. Northumberland's popularity in England was much inferior to what Somerset had enjoyed; which made it the more necessary for him to court the friendship of France and Scotland. A grateful office was done about this time, by the court of England to each of these powers, in the hospitable reception which that court gave to the queen-dowager of Scotland; who, after a visit to the court of France, where she stayed more than a year, passed through England, in her return towards Scotland; and having been entertained by king Edward, with every demonstration of respect and kindness, was attended by persons of rank, in all the English counties through which she passed, until she arrived, about the end of the year, on the frontiers of Scotland.

Mary, Q. of Scotland. 1551. Oct. 11.

Early in the following year, it was agreed between the court of England and the French ambassador residing there, that an effectual remedy should be applied to a perpetual source of contention between the English and Scots; which arose from a small tract of ground, commonly called the *Debatable land* †, situated between the rivers Esk and Sark, on the extremity of the western border. As no authority was exercised in that tract by the kings of either nation, it naturally became a place of refuge for the most abandoned criminals after their expulsion or flight from their own country. From thence they made their plundering inroads into the countries adjacent on either side, and thither they retired with their booty; and often by fear or favour induced the neighbouring inhabitants to be partakers of their crimes. It was first proposed, that, agreeably to an article in the treaty of Norham, that district should be wholly evacuated and laid waste; but it was afterwards thought better to make a division of it between the kingdoms. For this purpose, after some scruples and delays, commissioners appointed by each of the powers, met on the spot, and agreed on a line to be marked by a ditch and march-stones; the ground of one side whereof was thenceforth to belong to England, and that on the other to Scotland ‡.

A. D. 1552. Edw. Journ. p. 45.

Rym. vol. xv. p. 316.

Haynes, p. 120.

Edw. Journ. P. 49. Sept 24.

In the months of July and August of this same year, the duke of Northumberland, in quality of warden-general of the marches, made a diligent survey of them in person; administering justice in the warden-courts, kept at Newcastle, Alnwick, and Carlisle, and inspecting the fortresses formerly

Border Laws, P. 142.

* In Strype's memorials, there is an account of Northumberland's commiſſion. It gave him as ample authority, as had been uſed to be given thoſe bearing this office in the reigns of Richard II. Henry IV. Henry V. Henry VI. Edward IV. Richard III. Henry VII. Henry VIII. appointing him to the ſame, well fortified with weapons of war, for the ſafe-guard of the king's liege people, and the ſure defence of the town and caſtle of Berwick, and to ordain, appoint, and conſtitute under him a ſub-warden; and to have the pre-eminences, liberties, and commodities, belonging to the ſame office, &c.

† *Terra co tentioſa.*

‡ The ratification of this diviſion was given by the governor of Scotland at Jedburgh, Nov. 9.

erected

Edward VI. K. of England.

1552.

erected on the borders, and one, which was then erecting at Berwick *. Many disorders were every where redressed by him, and such a police and discipline partly restored, and partly anew introduced, as seemed necessary to prevent or correct the enormities that every where prevailed. To maintain and carry on these reformations, he made choice of the lord Wharton as his deputy-warden over all the marches, and this lord had deputies under him for each of the divisions. Wharton received the king's commission from Northumberland at Newcastle, on the 12th of August. And Northumberland returning to court about the end of that month, and still intent on the business of the north, procured an order to be made, that for the better strengthening of the marches, no one man should be possessed of two offices; in consequence whereof, Sturley who was at the same time captain of Berwick, and warden of the east marches, resigned the latter of these offices to the lord Eure.

Edw. Journ. p. 59. July 30.

Ib. p. 61.

Border Laws, App. No. 3. p. 141.

Wharton appears to have seconded the views of his principal with great assiduity. About the middle of September, he held a consultation at Newcastle with his deputy wardens †, the captains of the border fortresses, the sheriff of Northumberland, and about thirty gentlemen of the marches, who had the best reputation for wisdom and experience. At this meeting several articles of discipline were established or revived. Watches were appointed in each of the marches both by night and day, according to the ancient custom. The places to be watched, which were either passes by land, or the fords of rivers, were particularly mentioned, as also the adjacent townships that were to furnish the watchmen. The numbers also of these in the several posts were fixed; and the principal gentlemen in the neighbourhood, or the

* Strype relates, that Northumberland, in a letter from the marches, adviſed that ſome new fortifications ſhould be made in Berwick, and that ſome unneceſſary expences there ſhould be retrenched. In anſwer to which, the king declared his approbation of the duke's opinion. Memor. vol. iii. p. 359, 360. In a minute of ſecretary Cecil, containing an account of the king's debts in 1552, one article is 6000*l.* to Berwick. Haynes, p. 127.

The fort then erecting at Berwick, was contrived to have four bulwarks: for making two of which the wall was to have been left open, on the enemies ſide, a great way together. But as this was both dangerous and expenſive, it was reſolved, that the wall ſhould be ſtrengthened by a rampart and two ſlaughter-houſes, to ſcour the outer curtains; and that a great ditch intervening, another wall fortified, in the ſame manner, ſhould be erected within the former. Edw. Journ. p. 59. It is afterwards obſerved in the ſame Journal, that Sir Nicholas Sturley was appointed (Oct. 6.) captain of the new fort at Berwick, Alexander Brett porter, and one Rokeſby marſhal.

As to the works, no veſtiges of them now appearing, it is probable they were wholly effaced by the new fortifications made in the beginning of queen Elizabeth's reign.

† Lord Eure was deputy warden of the eaſt marches, lord Ogle of the middle, and Sir Thomas Dacre of the weſt. Thus they appear in the meeting held at Newcaſtle 12th and 13th of Sept. in this year (Border Laws, p. 145.); but according to King Edward's Journal, the wardenſhip of the weſt marches was given to Sir Richard Muſgrave, in the end of Auguſt; and Nov. 20, the lord Ogle leaving the wardenſhip of the middle marches, was ſucceeded in that office by lord Eure, whoſe land lay there, and who had 600 merks for his fee, and Sir Thomas Dacres was made deputy-warden of the eaſt-marches, with the fee of 500 merks. Strype, in his memorials of Edward, p. 498. mentions three commiſſions of deputy-wardens, dated in December, that of deputy-warden of the eaſt-marches to Sir Nicholas Sturley, with the fee of 700 merks *per ann.* and for two deputies 10*l.* *per ann.* the deputy-wardenſhip of the weſt-marches to lord Coniers, with the fee of 600 merks *per ann.* and that of the middle marches to lord Ogle, with the fee of 500 merks; both having the ſame allowance for deputies, as in the wardenſhip of the eaſt marches.

officers

officers and tenants of the king, were appointed overseers, to set and search these watches, and to report from time to time the state of them to the deputy warden, whose residence was then at Alnwick. In the eastern march, where the extent of country and number of places to be watched, were much smaller than in the western, and especially than in the middle-march, the whole number of watchers by night, according to Wharton's establishment, was two hundred and three, and that of the day watchers seventeen. But besides these, every one of the townships was required to have a man to watch nightly for itself; and other towns omitted in the present regulation, were appointed to set their watch in places in their neighbourhood, where it seemed most necessary, as their bailiffs and constables should determine. It was the business of these watchmen, on the approach of suspected persons, to give the alarm, by blowing a horn, or making a shout or outcry; and when the alarm was given, all men on horse and foot were obliged to follow the fray with hue and cry upon pain of death. Those who on such occasions seized the offenders, whether English or Scots, were to be rewarded according to their merits, by the warden-general, his deputy, or both. When goods were rescued, and the thief not taken, the goods were immediately to be restored to the owners, and if they could not agree with the rescuers about the price of rescue, this was to be settled at the first instance, by the officers, bailiffs, or constables, of the towns from which the goods were stolen; whose judgment, if not acquiesced in, was subjected to the review of the neighbouring justices of peace. Those who allowed an offender to escape, were to be imprisoned, and to suffer as felons. All persons that came within the limits of the watch were to be examined, and, if known by the watchers to be good men, might be allowed to pass; but if unknown, were to be brought before the bailiffs and constables; to whom, if they could not give a satisfying account of themselves, they were to be sent to the king's gaol, there to remain, until they were tried by the warden-general or his deputy, or by the justices of the peace in the country. These watches were to begin on the 1st of October, and to continue to the 16th of March; power being left to the warden-general or his deputy, to vary these times, according to their discretion; and each night they were to be set at the departing of day-light in the evening, and to continue until its return in the morning; as the day-watches were to continue from day-break in the morning, until the evening twilight.

Mary, Q. of Scotland. 1552.

Ib. p. 199.

Border Laws, p. 144, 215.

Ib. p. 214.

With the same views of promoting the security and good order of the marches, and of bringing offenders to justice, it was enacted at the same meeting, that no person should harbour or aid any fugitive or malefactor of either nation; but that, on the contrary, all persons should give information of thieves or resetters of theft, to the general or particular deputy wardens, or to the sheriff of the county, where the informers resided. All practices with rebels, thieves, and murderers were prohibited, and informations concerning practices of that kind which had been carried on, within a year before the present consultation, were ordered to be given to the deputy-warden-general, within twenty days. The particular deputy-wardens were appointed within seven days, to deliver to the deputy-warden-general, an account of all deeds

Border Laws, p. 144.

of

Edward VI. K. of England. 1552.

of violence or injustice, committed against either Scots or English. Days of marches were appointed to be strictly kept, and all the marchers to attend the deputy wardens at these meetings. Officers, captains, and gentlemen, were enjoined, within twenty days after this consultation, to be in their proper stations, or at their houses, if any were now absent from them; and also to see their soldiers and tenants immediately provided with good horses: and all persons were prohibited to converse with any Scotchman, unless by licence from the deputy-warden-general, or particular wardens within their own districts.

But besides the provision that was made for the peace and security of the marches, by the above described order and discipline, established among their inhabitants, methods were also contrived to render the face of the country more defensible, as well as more inaccessible and unsafe to banditti and marauders. For this purpose, orders and commissions were sent by the lord Wharton to proper persons to stop and destroy fords * in rivers, and narrow passes by land; such only being preserved as appeared most necessary; and in this work, the inhabitants of the adjoining country, were required every where to obey and assist. Another method devised for strengthening, and at the same time for improving the country, was to inclose, with hedges and ditches, all arable meadow or pasture grounds †; as the plundering banditti would be thereby incumbered in their career, and the labour of watching the country greatly lessened. To direct the proper places, and other circumstances of these enclosures, some of the most considerable gentlemen within the boundaries of the eastern and middle marches, in the several districts where such works were to be carried on, were put in commission, and properly authorized, for executing their charge. From these commissions, and also from the appointment of watches, it appears that the country accounted at that time to be included in the eastern march, extended southward to the river Alne near its mouth, to Hebburn on the Till, and to Langley Ford, situated at the foot of Cheviot, not far from the line dividing the two kingdoms.

Border Laws, p. 218.

Ib. p. 219, 220, 221.

Ib. p. 218, 211, 213, 227.

Such were the establishments introduced or enforced in consequence of Northumberland's survey of the marches, and under his auspices as warden-general. But the state of the English marches at that time receiveth some additional illustration from certain proposals made by Wharton, for further improving their order and security. For this purpose, he recommends a careful choice of officers; and the residence of these officers on their proper stations. With regard to the inhabitants, he proposeth that they shall consist, either of such as were possessed of land sufficient to maintain good horses, which, at certain times should be mustered; or of such as should be employed

Ib. p. 228, 229, &c.

* Besides a great number of fords to be watched along the Till from Tweed to Hebburn, in its course through the bounds of Ford, Fenton, Doddington, Weetwood, Horton, Lyem, Chatton, and Chillingworth, there were thirty-nine fords to be dammed and stopt by the tenants of these townships; because they were not able to watch them, and the stopping of them was thought practicable Border Laws, p 212.

† The ditches were appointed to be five quarters (forty-five inches) in breadth, and six quarters (fifty-four inches) in depth; and to be double set with quickwood, and hedged above three quarters high.

employed in tilling and fencing the ground. What he proposeth, in particular, with regard to the east marches, is, that either Ettal or Ford should be repaired; and that the residence of the deputy-warden of the east-marches should be at Ettal*. He observes, that Berwick, Norham, and Wark, being the king's, and in time of war able to receive horsemen, might be of great service. He proposes also, that there should be a good body of horsemen in the fortress of Wark and lordship of that place; or that a fortress provided with horsemen should be erected in some proper situation, between Wark and Cheviot; and observes, that by the means of these fortresses, and a proper disposal of farms, to such as should keep good horses, that march, which was accounted the weakest, would become strong. The castle of Norham, with the adjacent lands which had belonged to the bishop of Durham, had now become the king's†: and this with some other instances of the like nature, Wharton proposes as an example to be followed with respect to other fortresses, situated on the extreme parts of the marches. The memorial containing the above proposals, concludes with a most equitable one; that the sovereign authority of both kingdoms should be exerted to compel officers and ministers to make redress as they were bound to do by the treaty, without colour or

Mary, Q. of Scotland. 1552.

* Ytall was, at that time, the king's; and Ford belonged to the daughter and heir of Heron, whom Thomas Carr had married. Border Laws, p. 231.

† Or was about to become so; for Wharton's expression is ambiguous. Norham must have fallen into the king's hands, on the deprivation of Cuthbert Tunstal bishop of Durham, which happened Oct. 11th of this year. The similar instances given are those of Harbottle, which had been the inheritance of lord Taylbush, and was now become the king's; and Bewcastle, which was Middleton's, but is said, now also to be the king's. Border Laws, p. 231.

Wharton farther recommends a warden-general, for the chief administration of all border affairs, and Hexham for the place of his residence. He observes, that the western march was so strong in fortresses and inhabitants, as to be greatly an overmatch for the adjacent countries of Scotland; and that the middle marches had so much natural strength from the mountainous and barren country between them and Scotland, that with a moderate degree of attention in the officers, and of discipline amongst the inhabitants, they had little cause to dread the inroads of their neighbours. He proposeth the castle of Harbottle as a convenient residence for the deputy-warden of the middle-marches, especially in winter, and that it should be repaired for that purpose.

It may not be improper here to observe, that, besides the other methods of establishing good order among the inhabitants of the north, care was taken to instruct them in religion. For this purpose, two of the king's chaplains were employed as itinerary preachers; one of whom was the famous Scottish reformer John Knox, who, upon his escape from his captivity in France, (to which kingdom he was carried over a prisoner with the rest of the garrison of the castle of St. Andrews,) fled for refuge into England, in the winter 1547-48, and was sent by archbishop Cranmer, or the duke of Somerset, to preach at Berwick, and was afterwards, according to his own account, a preacher at Newcastle, remaining in each place two years. Strype, with some probability, thinks him one of the six chaplains of the king, established in the end of 1551, four of whom were employed as missionaries in different parts of England; one of their districts being the marches towards Scotland. It is certain, that he gave great offence to the friends of the old religion, by a sermon preached against their obstinacy at Newcastle, on Christmas 1552. An annuity of 40*l.* was allowed him by the government for preaching in the north. Some months before Edward's death he went to the southern parts of England and preached sometimes at court. Knox's Hist. Ref. p. 85. 289. Strype's Mem. vol ii. p. 235. 388. 533. Edw. Journ. p. 42.

From a letter of the duke of Northumberland, dated Nov. 23, 1552. It appears, that the duke desired to have Knox removed from Newcastle, on account of the resort of Scotchmen to him in that place.

Edward VI. K. of England.

delay; such conduct being alike honourable to themselves and beneficial to their country.

1552. Holingshed's Sc. Chr. p. 355. Lesly.

While this care was bestowed on the marches of England, those of Scotland were not wholly neglected. For the governor, after having, in company with the queen-dowager, made a progress in the summer for administration of justice into the north and west parts of the kingdom, came in the autumn to Jedburgh, attended by several of the nobility. His view in this journey was to reduce to order the banditti on the eastern marches, who had lately committed great excesses in driving booties of cattle from their neighbours in England. The officers of the marches, who had connived at these offenders, he removed from their places; and obliged the families of that district to put into his hands some of their number as pledges for their future good behaviour. He also conferred, at that time, upon several gentlemen of the country, the order of knighthood (*a*), as the reward of past, or incitement to future honourable conduct. But soon after, the intestine peace of the borders was disturbed by a murder committed in Edinburgh, on the person of Seot of Buccleugh, one of the knights lately created, by his enemies the Kers. The latter were in league with the Homes; and so formidable was this conjunction, that the governor summoned an army to go against them. But by the favour of the queen-dowager and of the French faction to these two families, an expedient was used to save them from the danger that threatened them. This was to send over five hundred light horsemen, commanded by the Homes and Kers, to the service of the French king, who had for some time past been engaged in war with the Emperor: and a body of five thousand foot accompanied them under the earl of Cassils.

(*a*) The chief of these were, the lairds of Cessford, Farnihesst, Littledean, Coldenknows, Greenhead, and Buccleugh. Edw. Jour. p. 65. Holing. Sc. Chron. p. 356. Haynes, p. 140.

A. D. 1553. July 6. Mary, Q. of England.

The following summer was a very unfortunate one to England, by the loss of its admirable young monarch Edward VI. and the succession of his sister Mary; who was no less the opposite of her brother in religion, than in most of his amiable qualities. The event of Edward's death, so much desired by the duke of Northumberland, as a foundation for establishing an unbounded authority in himself, by the advancement of his daughter in law, lady Jane Gray, to the throne, proved the mean of precipitating him from his immoderate greatness into utter ruin. Along with his other schemes, fell that of aggrandizing himself in the north, on the ruins of the Percy family, and the suppression of the bishoprick of Durham *: the Palatine dignity and power of which diocese, had been granted to him in May, as he had before obtained grants of many valuable lands and lordships in the counties of Durham and Northumberland †.

Strype, Mem. vol. ii. p. 396. 401, 422, 429. vol. iii. p. 28.

The

* The bishopric of Durham was dissolved by an act of parliament passed in the spring of this year. The same act gave the king power of erecting by letters patent two new bishoprics, one at Durham, the other at Newcastle, in the room of the suppressed one. (Parl. Hist. vol. iij. p. 269.) Northumberland, after this act, or perhaps after Tunstall's deprivation in the preceding October, had taking possession of Durham house; for there the marriage of his fourth son lord Guilford Dudley with lady Jane Gray, together with the marriages of lady Jane's two sisters, and of Northumberland's daughter, were celebrated on the 21st of May.

† He was also made steward of all the honours, castles, lordships, and lands, in the counties of Northum-

Mary, Q. of Scotland. 1553.

The bigotry and pride of Mary, engaged her, immediately after mounting the throne, in the work of restoring by cruel and arbitrary measures, the Romish superstition. This resolution, together with the project of marrying her cousin Philip of Spain, which soon became known, excited grievous discontents in the greatest part of the nation; and made it highly expedient for her to cultivate peace with Scotland. Several excesses had been lately committed by her subjects against their Scottish neighbours, which were represented by Ross herald *, sent on purpose to England by the Scottish regency, to Noailles the French ambassador then residing at London. This ambassador was requested to explain these matters to the queen and ministry of England, and to solicit an appointment of commissioners from England, to meet with others from Scotland, in order to settle, in the usual manner, the points in dispute. His solicitations appear to have been readily hearkened to. For, in the beginning of November, commissioners nominated by the queens of each nation, met at Berwick †. In the indenture or treaty subscribed by these commissioners, on the fourth of the following month, several things are contained that tend to illustrate the police of the borders, and by which this police seems to have received some improvements.

Keith's App.

Nov. 6. Border-Laws, p. 71—83.

It being found, that through neglect or default of the officers, a great number of trespasses committed within the east and middle marches of both realms still remained unredressed, it was agreed and ordered, that the wardens should hold their meetings ‡, in places accustomed and convenient for mutual and speedy administration of justice. And for carrying on this necessary work with greater dispatch, a new method of proceeding was devised: persons aggrieved were to deliver bills of their complaints to the wardens of the march where they dwelt. By the warden, these complaints were to be inrolled; and the rolls to be transmitted to the opposite warden, in whose district the person complained of resided. The warden last named, was upon this information, to make the most exact inquiry he could into the truth of the charge; and to cause the persons accused to be arrested by his serjeant and brought before him, to answer for their conduct. If they were not immediately to be found, they were to be arrested, to make answer at the next march-meeting, where the

Northumberland, Weſtmoreland, and York, or any other where in the biſhopric of Durham, for life. This grant was dated in April 1553. Strype, vol. iii. p. 422, 507.

He had likewiſe procured a gift of the town of Alnwick, &c, dated in Dec. 1551. Strype, p. 499.

* The inſtructions to the herald, to be ſhewn to Noailles, are in Keith's Appendix, p. 68. publiſhed from the records of the Scottiſh privy council. They have not, as there publiſhed, any date. But it appears from an article in them, that they were drawn up after the 24th of Auguſt.

In the minutes of the Engliſh privy council, in the beginning of Mary's reign, mention is made of a letter to Richard Norton eſq. captain of Berwick, with inſtructions to ſuffer the French king's ſubjects to paſs undiſturbed into England; but if the Scottiſh queen, or any of her officers, ſhould require him to allow any Scot to paſs without ſafe-conduct or paſs-port, that he ſhould by no means do it, but yet ſhould give gentle words, excuſing his compliance by his being an inferior officer. Haynes, p. 183.

† The Engliſh commiſſioners were, Sir Thomas Cornwallis, and Sir Robert Bowes; and thoſe from Scotland, Sir Robert Carnegy of Kinnaird, and Sir John Bellenden of Auchnowl. Keith.

The accounts of this treaty in Holingſhed, Leſly, and Keith, are very imperfect.

‡ Days of Trewes.

Mary, Q. of England. 1553.

warden and assize adjoined to him, consisting of six chosen by himself, and six nominated by the party plaintiff, should either sustain the bills of complaints*, or give some other lawful return, according to the laws and customs of the marches. And where, by any of the wardens, bills of complaints had been, or should be sustained, and yet no security or compensation given, for the redress of the injury complained of, this defect was to be supplied at the next march-meeting, by the delivery of a person whom the warden should engage to be a sufficient pledge, who should remain with the party injured until the injury was fully redressed. In this manner of proceeding †, either warden, was, agreeably to an ancient regulation of the marches, to discuss in alternate order a like number of bills of complaints, as long as both parties had such bills to produce; but if there should be a greater number of bills in one side than on the other, the surplus of bills on either side was also to be discussed, in the manner above explained. It not being intended, however, by the method of proceeding now adopted, to abrogate or alter the ancient laws and customs of trial in the march courts, the commissioners declared, that the order at present made by them for sustaining or rejecting bills of complaints upon the honour of the warden, was only meant to extend to offences committed since the ratification of the last peace, and before the date of the present treaty. And it was also provided, that in case the plaintiff found himself aggrieved by the warden's rejecting his bill, through defect of evidence, he might afterwards prosecute his complaint, and seek justice from the same warden, or any other succeeding him in office; and that on this second complaint, his cause should be tried by an assize and lawful proof, according to the ancient laws and customs of the borders; notwithstanding his bill had been once rejected by a warden upon his honour.

Some seizures of sheep and other cattle ‡, belonging to Scotchmen, having been lately made by certain Englishmen, on pretence of their being found on English ground, and the matter being examined by the commissioners, the Englishmen were found to be in the wrong; wherefore, the wardens of the middle and east marches were ordered to cause the sheep, or the just value of them at the time they were taken, to be restored to their owners before the next Candlemas; and two arbitrators of each nation were appointed to adjust

* This was called *filing* the bills, or finding them *foul*. See Nicholson's Border-Laws, p. 73, 74.

† The warden proceeding in this manner, was said to *speir, file, and deliver, upon honour*. To speir, signifies to inquire.

‡ Cuthbert Musgrave, captain of Harbottle castle, John Hall, and certain accomplices, had seized sheep and other cattle belonging to George Ker of Gateshaw, in Tiviotdale, Richard Davidson, and others; and Thomas Clavering, with other servants of Mr Ralph Grey of Chillingham, warden-depute, had taken away sheep, the property of other Scotchmen. Border Laws, p. 75.

The instructions for Ross herald say, that Cuthbert Musgrave, in the month of July last, came with five hundred Englishmen, at ten o'clock forenoon, to the lands of Yetholm, and Kirk Yetholm in Scotland, and seized and carried off three thousand five hundred sheep, and five hundred nolt, whereof Grey the deputy-warden refused to make redress; alleging, they had acted by order of lord Wharton, warden-depute of all the marches, under the duke of Northumberland. Keith.

any

any controversies that might arise about the difference of the present value of the goods, from their values when seized *. A new order was also made for preventing trespasses by the inhabitants of either realm on the adjoining grounds of the other. When such trespasses were knowingly and habitually committed, the owner of the ground on which they were committed, or in his default the warden of the marches where the ground lay, was empowered to cause the cattle to be seized and impounded. The price to be paid for their ransom was a penny sterling for every head of black cattle, and a penny Scots for every sheep, On every new offence the penalty was to be doubled, until it arose to two shillings sterling for every nolt, and to sixpence sterling for every sheep†; when it had arisen to this highest rate, it was to continue at it, for offences committed during the remainder of the current year. But on the commencement of the year following, beginning at the lowest rates before-mentioned, it was, for repeated offences, to be carried up to the highest; and so in succession from year to year; it being hoped, that such heavy penalties would effectually oblige offenders to keep their cattle within the bounds of their own realm.

Mary, Q. of Scotland. 1558.

In the sequel of the treaty, decisions are given in controversies relating to certain fishings on the Tweed; and a method established for securing the proprietors of such fishings, on either side, against impediment or disturbance in their possession of them, from those on the other. Richard Bowes, captain of Norham, had availed himself of the situation and force of his castle, to sieze a fishing, on the Scottish side of the river, that belonged to lord Home ‡; which Bowes continued to hold since the conclusion of the peace. But he was now ordered to restore it, and to pay to lord Home a sum judged equal to the produce of it during his violent possession. The prioress of the convent of Coldstream had also confirmed to her, the possession of a fishing on the English side of Tweed, which was claimed by the English proprietor.

* Lord Eure was then warden of the middle marches; and the arbitrators, or compositors (as they are called in the treaty), were, Sir John Forster knight, and Robert Colingwood Englishmen; and Sir Walter Ker of Cessford, and Sir John Home of Coldenknows, Scotchmen.

† Hence it appears, that, at that time, English money was in value to Scottish as four to one, The same with Patten's proportion mentioned in a former note. But successive doublings of the fines from a penny upwards do not at any step amount to twenty-four pence; 1, 2, 4, 8, 16, 32.

‡ The name of the fishing was *Haly-well*, which name it still retains. It lies along the side of the green plain, where the nobles of Scotland swore fealty to Edward I. Bowes was ordered to pay to lord Home for the profits of it received by him since the peace. £33. 6s. 8d. It appears from the above-quoted instructions to Ross herald, that the fishing of Haly-well had been actually restored to lord Home on the 23d June 1551, and had been peaceably possessed by him for eight days; but that then the captain of Norham had driven his fishermen from it, by shooting at them from the castle. In case the English ministers should allege that this fishing had, in consequence of its vicinity to the castle wall, been always fished by the captains of Norham, even in time of peace, these captains only paying a rent or mail for it in silver to lord Home. The French ambassador was instructed to reply, that the lords of Home had always been in use, in times of peace, to fish it by their servants, and to carry away the fish; that the only instance of its being let to the captain of Norham, was by the late lord Home, and that for a single year; and it was farther affirmed, that such holdings in lease the possessions in the one kingdom by the subjects of the other, was contrary to the laws of the realm.

of

Mary Q. of England. 1553.

of the adjacent ground *. To these particular decisions a general order was added, declaring it to be lawful for any person disturbed in the possession of his fishing, by any subject of the opposite kingdom, to complain to the warden of the marches where the offender dwelt. On receiving this complaint, the warden was to oblige the person complained of to appear at the next march-meeting; where, if the offence was proved, the offender was to pay twenty shillings for every tide wherein he had obstructed the plaintiff's fishing; and to be delivered to him as his prisoner, to be detained with him until the fine should be paid †.

The manner of proceeding established by treaties of peace, for bringing to punishment the perpetrators of murder or slaughter, was appointed to be strictly observed; the negligence of officers in that respect having been the occasion of grievous enormities. In cases where hurts or wounds were received, complaints were to be made, and the offenders to be arrested, in order to their appearance at the march meetings, as in cases of theft, robbery, or spoil; and the trial was to proceed in the same manner, until the bills of complaint were either sustained or rejected. The damages were to be estimated by the wardens, assisted by six gentlemen of good repute of each nation; those of the one nation being named by the warden of the other. The offender was to be charged with two doubles of this estimate, as in cases of theft and spoil‡; and the deliverance of the offender, or of a sufficient pledge, was to be made to the warden of the march where the party aggrieved dwelt, there to remain until the appointed redress was made. In cases where the wounds had produced maim or mutilation, the warden to whose district the offender belonged, was to do his utmost diligence to aprehend him, and to deliver him to the warden of the other side, to be puuished by strait imprisonment for six months. Wilful fire-raisers were also to pay damages, according to the rate last-mentioned §, and to undergo the same imprisonment.

The quiet of the march-meetings being often disturbed, and their business interrupted, by mutual accusations and brawlings ‖, it was agreed, that no

* This was John Selby of Twizel. This fiſhing was called Tillmouth-haugh fiſhing; which, after proofs and examination before the commiſſioners, they ordered that the prioreſs of Coldſtream, &c. ſhould peaceably uſe, poſſeſs, and enjoy, as a Scotch fiſhing.

† There is another complaint in the inſtructions to Roſs herald which is not mentioned in this treaty. This is againſt the captain of Wark; who, on the 24th of Auguſt laſt, being a day of truce, or march day, held at the accuſtomed place of Redden-Burn; had come, with more than one hundred and twenty men, to the lands of Haldane within Scotland, not half a mile from the place of meeting, and there ſlain Patrick Jameſon and John Davidſon, Scotchmen: from which there was danger of great diſorder ariſing, the ſlaughter being committed only two hours before the meeting of the wardens; who, as uſual, had conſiderable numbers in their ſeveral companies; and in particular, in the company of the Scottiſh warden, where the whole kindred and friends of the ſlain. Keith's App. p. 68.

‡ *And the damage being ſo ſet, and eſteemed to be two doubles, as in caſe of theft and ſpoil is uſed.* Border Laws, p. 80.

§ This rate is however differently expreſſed. It is called a *Double* and *Sawſey*; and it is immediately added, according to the laws and cuſtoms now uſed in the borders of both realms. Border Laws, p. 81.

‖ The words in the treaty are, *baughling* and *reproving*.

such

such accusations or speeches tending to stife should be uttered, without licence of the wardens of both realms; and any offender in this way was to be seized by the warden of his own march, and delivered to the opposite warden, to undergo a month's imprisonment. He was also to lose his cause, and the person whom he attacked to be acquitted for ever from the charge brought against him. As a grievous obstruction to the discovery of crimes, and due execution of justice, arose from the frequency of perjury in the border courts, it was enacted, that any person who acquitted himself by oath before the wardens, or their deputies, and was afterwards proved guilty and convicted of swearing falsely, should, besides making due reparation to the party aggrieved, be delivered to the warden of the opposite march, to undergo strait imprisonment for three months, after which he was publicly to be proclaimed at the next march-meeting a perjured man, and thenceforth not admitted to give faith or testimony in any cause. A remedy was also provided for the injury done, by any person swearing falsely, concerning the number or value of the goods. In cases where an over-charge of this kind was evident and excessive, the wardens, or their deputies, were impowered, without delay, in conjunction with twelve men of the best note and credit present, whereof six of either nation were to be chosen by the warden of the other, to make such abatements from the numbers or value of the goods or cattle in question, as should to them appear equitable.

Mary Q. of Scotland. 1553.

In the following summer, the queen of England was married to Philip of Spain; and on that occasion the queen-dowager of Scotland (who had, in place of Arran, created by the king of France duke of Chatelherault, been advanced to the regency of that kingdom, in the spring before) sent a congratulatory embassy to the English court *. The ambassadors were charged to demand a confirmation or renewal of the treaty between the nations; and that commissioners should be appointed in the following year, to settle controversies on the borders. It doth not however appear, that any such meeting of commissioners was held until the summer 1556. But in the interval, the attention of the queen regent to strengthen the frontiers, appears from a resolution of a numerous council held in January 1555, to build a fort beside Kelso; for which a tax of 20,000*l.* was immediately to be raised, one-half to be paid by the spiritual estate, and the other by the temporal. Yet, it doth not appear that this decree was executed; nor is it known what hindered its taking effect. In the latter part of summer of the following year, while the queen-regent was making a progress, commissioners from both realms met at

A. D. 1554. July 25.

Hol. Sc. Chr. p 358.

Keith's App. p. 70.

A. D. 1556. Hol. Sc. Chr. p. 359.

* A little before the marriage of the queen of England with Philip, the queen dowager of Scotland made a progress to the east-marches, to hold justice courts for punishing malefactors, and to compose differences among the turbulent chieftains. This progress, made at so critical a time, gave some alarm to the English court. The lord Coniers, who had the command on the opposite marches of England, sent advertisement of it by letters from Berwick, to the earl of Shrewsbury, lord president of the north, and lord-lieutenant of the English borders, requesting him to provide for his aid in case of a sudden attack. Strype's Mem. vol. iii. p. 136.

Dunse,

Mary, Q. of England.

1556.

Dunse *, and spent a considerable time there. No particulars of the transactions of that meeting have been transmitted to us; and it is probable they were not of great or general importance. The queen regent of Scotland had, in a parliament held in the beginning of this summer, made a proposal relating to the defence of the borders, that gave a great alarm to the landed men in that kingdom. Instead of the accustomed attendance and service of themselves and dependents for the defence of their country, the queen proposed a tax to be laid on their estates, and that the money thereby raised, should be employed in paying a body of mercenaries, to be stationed on the borders, or sent thither as emergencies should require. A great body of the lower barons having assembled at Edinburgh, remonstrated against this innovation, as dangerous to their liberty, and intolerable to their poverty; and though some of the principal lords had been gained by the court to consent to it, the opposition of the rest of the nobility, and all the gentry, appeared so determined, that the queen found it necessary to abandon the project.

Hol. ib. p. 359. Keith, p. 70.

A. D. 1557.

In the beginning of the following year, the proud and turbulent spirit of Pope Julius III. rekindled the war between France and Spain; which, by a truce, had been suspended for several months. Philip, who by the resignation of his father the Emperor, had been king of Spain since the end of 1555, after being absent from his queen above eighteen months, came over in March to England in order to engage that nation in a war with France. The queen, who returned the aversion and neglect of her husband by the most extravagant fondness, did, in order to gratify him, obtain, with the utmost difficulty, the consent of her council to declare war against France, in the month of June. But a war with France naturally led to a war with Scotland; and this consequence was never more to be apprehended than now, when the administration in Scotland was wholly French, and the young queen in person residing at the French court. To prevent or retard this rupture, Mary had solicited, by her ambassadors in Scotland, a meeting of commissioners on the borders, for settling all matters in dispute between the kingdoms; and not many days before the declaration of war against France; a

Carte, vol. iii.

May 25. Rym. vol. xv. p. 464.

* The commissioners were, Tunstall bishop of Durham, and others, from England. Those from Scotland were, the bishop of Dumblane, Richard Maitland of Lethington, and James Macgill clerk of register.

It appears from several small particulars recorded by Strype in memorials of queen Mary, c. 38. that the marches were in a turbulent state this year. He mentions two meetings at Reddingburn, one on Thursday 12th of May, the other on Sunday the 28th of June. At the latter was a great company on both sides, but the English were the greater, being above two thousand persons. How slowly and irregularly justice had been administered, appears from the English having at that time a thousand bills of *attemptats* (this was the common name for trespasses) against the Scots in one of the marches. In order to hear and discuss mutual complaints, they agreed to meet one day in the church of Norham, and another in the Lady-church over against it in Scotland. The earl of Bothwell was the principal person on the side of Scotland, at the first-mentioned of the meetings at Redding-burn; and acted in quality of lieutenant of the Scottish marches in an expedition against the Armstrongs on the west border, where he was accompanied by the laird of Drumlanrig the warden of that march. The banditti had the advantage in two rencounters.

commis-

commission for that effect was granted by her to the earl of Westmoreland, the bishop of Durham *, the chancellor of Durham diocese, and a master of chancery, to meet, with such as the regency of Scotland should authorize to treat with them. By this commission, besides the usual articles included in such commissions, power was given to negociate the fixing of certain limits between the two nations, in whatever places these limits were controverted; particularly on the place commonly called Hadden Rigg. Mary, Q. of Scotland. 1557.

The Scottish court had sent commissioners to meet with those from England, at Carlisle †: but while the commissioners remained sitting there, the queen-regent, in compliance with the earnest solicitations of the French court, proposed to an assembly of the nobles, which she had convened at Newbottle, an immediate declaration of war against England. To excite them to this, she insisted on certain outrages committed of late by Englishmen on the borders, for which redress was refused; which might not only be revenged and repaired by entering into an open war, but a seasonable aid thereby given to their ancient ally. But the nobles being convinced that the regent's sole object in this measure was to serve the interests of France, declined giving their consent to it for the present ‡. To impel them to agree to it, the expedient was fallen upon of sending D'Oysel, the French king's lieutenant in Scotland, with a body of soldiers of that nation, to Eyemouth, to rebuild the fortress there, which had been first erected and possessed by the English in the late war, and demolished in pursuance of the treaty by which that war was terminated; and in which it was expressly stipulated, that this fortress should never be rebuilt by either of the nations. As the restoring of this fort was a plain violation of the treaty, and its vicinity to Berwick alarming to the English, the Berwick garrison soon endeavoured, by their attacks, to disturb the progress of the work. These attacks D'Oysel repelled, and mutual incursions followed on the adjacent border. By this means the regent obtained her end of procuring the consent of the nobility to raise an army; which now appeared absolutely necessary for the defence of their country. Lesly, p. 529, 530.

The commissioners being recalled from Carlisle, a herald was sent to proclaim war against the queen of England, if she did not withdraw the troops sent over to the aid of her husband Philip. The earl of Huntley was made lord-lieutenant of the Scottish marches; and having come to Dunse, incursions were made under his direction into England. Two of these inroads were more considerable than the rest. In the first were present, the lord James, afterwards earl of Murray, and the lord Robert, two of the late king of Scotland's natural sons, the lord Home warden of the east marches, and several Ib. p. 530.

August 5. Strype, vol. iii. p. 265, 266, 427.

* Robert Hanmer, LL. D. and chancellor of the bishopric of Durham, and Thomas Martin, LL. D. one of the masters of the court of chancery.

† The Scottish commissioners were, Robert Reed bishop of Orkney, Henry Sinclair dean of Glasgow, and Sir Robert Carnegy, senators of the college of justice, and the lord Herries warden at that time of the west-borders. Lesly, p. 529.

‡ This backwardness of the nobles, probably produced orders to the Scottish commissioners at Carlisle, which made them appear, towards the end of the conferences there, desirous of a peace. Westmoreland's letters to Shrewsbury, in Strype, p. 423.

other

Mary, Q. of England.

1557. July 31.

other nobles. These noblemen, with a considerable force, and some ordnance, entered Northumberland, by the dry march between Wark and Cheviot; intending to take the castle of Ford and destroy the ten towns of Glendale: But Henry Percy, brother to the earl of Northumberland, having some days before arrived at Alnwick, and collected with great diligence the forces of the county, which he disposed in the most proper places for its defence, and being also reinforced from the garrison of Berwick, the Scots, discouraged by the appearance of so powerful a resistance, retired to their own country, after having done very inconsiderable hurt to that of their enemies. Percy hung over their retreat with his light-horsemen, and entering the Mers, destroyed sixteen villages, and carried off a considerable booty of cattle *, together with some prisoners, which he and his company conveyed safely to Berwick;

August 13. three hundred footmen being sent from that garrison to meet them. A second great incursion of the Scots was made eight days after the first. In this, Huntley the lord-lieutenant was present in person, having in his company several of the Scottish nobles and the French General D'Oysel, with a numerous body of troops, both Scots and French. These forces entered England near Berwick; at which place the earl of Northumberland, warden of the east and middle marches, had arrived the night before †, together with Sir Thomas

* Percy in his letter to the earl of Shrewsbury lord-lieutenant of the marches and president of the council of York, calls them two hundred and eighty neat, one thousand sheep, besides many horses. Strype's App. of Originals,

† Thomas Percy, son of Sir Thomas Percy and nephew of the last earl, had been restored to the earldom of Northumberland on the first of the preceding May. On the 9th of August a commission was given him to be warden of the middle and east march; to which latter command was annexed, the captaincy of Berwick upon Tweed. Rymer, ib. p. 472. He had received, six days before, a commission to be warden of the east marches and captain of Berwick: wherein the lord Wharton was joined with him, and powers given them to act either conjunctly or apart. Rymer, ib. p. 468. The two commissions to the earl of Northumberland, appoint him warden-general of the marches of the kingdom of England towards Scotland, viz. in the parts of the middle march and queen's dominions of Scotland, and keeper of Tynsdale and Ridsdale; also lord warden, &c. in the parts of the east march and queen's dominion of Scotland, and captain of Berwick upon Tweed. The powers granted to him in these offices, are the same as belonged to them in the times of Richard II. Henry IV. Henry V. Henry VI. Edward IV. Richard III. Henry VII. Henry VIII. and Edward VI. late kings of England. He had, in both commissions, power given him to rescue, defend, and save the town and castle of Berwick, in the parts of Scotland, in case of any siege laid against the town or castle by the Scots, or any other of the queen's enemies; and for that purpose, to lead the men of either march, properly arrayed, to the rescue, defence, and safe-keeping, of the said town and castle, so often as in danger from the incursions and siege of enemies. He was also impowered to nominate and depute under him, for each march, two deputies, or substitutes, and also two other officers under him, called wardens serjeants, together with all other necessary officers and servants wont to be employed by the wardens of either march. He had also granted to him, for his annual fee and wages, as warden of the middle march 500 merks, and as warden of the east march, and captain of the town and castle of Berwick, 700 merks; besides which, each of his deputies, in both marches, had an annual salary of 10*l.* and each of his serjeants forty shillings; all payable half-yearly, at the terms of Christmas and Midsummer. Rymer, vol. xv. p. 472—477. There is also a power in these commissions of concluding truces, from week to week, and such as are mentioned before.

Rym. vol. xv. p. 462. Strype, vol. iii, p. 478.

It appears however from originals in Strype, that lord Wharton acted *alone* at this time, as captain of the town and castle of Berwick (App. p. 267.) The same compiler gives an account of a letter

Thomas Wharton, who had the command of a body of horse and foot, sent from the interior parts of the kingdom, to be employed in defence of the town of Berwick, and adjacent country; part of which forces had arrived with Northumberland and Wharton and part of them were on their march. In these circumstances, it was thought proper to send out from Berwick Henry Percy, with other gentlemen, and a body of horse, to give what annoyance they could to the invaders. But the Scots being greatly superior in strength, the English lost about an hundred horsemen, making prisoners about twenty of the enemy. Huntley in this inroad burnt several towns and villages, and carried off a great booty. After his return, both the Scottish and French forces lay for some time upon the borders, at the distance of not many miles from Berwick. Mary, Q. of Scotland. 1557. Leſly, p. 530.

In the month of October a numerous army assembled at Edinburgh; and, under the command of the duke of Chatelherault, marched to Kelso. The queen accompanied the army, and fixed her quarters in its neighbourhood, in the castle of Home *. The army crossed the Tweed but stopped short, and encamped just on the other side of it, at a village called Maxwell-Heugh. Nor could the Scottish nobles be induced, by all the arguments and intreaties of the queen to pass the boundary of the two kingdoms, from which they were only two or three computed miles distant. As the quarrel was entirely French, they insisted, that this and the minority of their queen were good reasons for not advancing farther. D'Oysel, eager to gratify the queen, and to serve the interests of France, employed some bands of his countrymen in conveying certain pieces of artillery over the Tweed, in order to besiege the castle of Wark †. Some few also of the Scots, who were more inclined than Knox, p. 93. Buchan. l. 16.

letter from Wharton to Shrewſbury in the beginning of June, wherein affairs at Berwick are repreſented as in a very bad ſituation. Five hundred men had been ordered for ſtrengthening the garriſon; but neceſſaries were wanting for them, and for five hundred more that were to be employed on the works. There was a dearth of victuals, the old garriſon was not paid for their half-year, which ended on the 14th of the preceding February, nor for any part of the current year; except what was advanced by Giles Heron late treaſurer, who, together with Robert Barrow mayor of the town, had been killed in a fray at Ford in the beginning of April (Ib. p. 418). No treaſurer had been ſince appointed, nor was it known when the ſoldiers ſhould be paid: nor were the inhabitants of the town, who were victuallers, able to provide for the ſoldiers and workmen without ready money: and the victuallers and purveyors complained for want of a pay called *Gower's pay*; and on that account they grudged to take men to board upon credit. Strype, p. 422.

* Part of the proviſion laid in for her there, was forty tons of wine. Strype, vol. iii. p. 434.

† The account of this tranſaction, as it was given by the duke of Chatelherault to Sir Henry Percy, about two years after, is as follows: "It was propoſed that we ſhould attempt the winning of Wark, and the invaſion of England; which at that time we knew very well, you were not provided, nor furniſhed for us: yet anſwered we, the whole nobility that to defend our country we were there, and would ſpend our lives; but for the attempting any thing in England, or the invaſion of the country, we would not do; not underſtanding by whom or for what cauſe the wars were begun. Wherefore our queen diſperſed her camp in great choler, and partly againſt her honour." Keith's App. p 22.

Shrewſbury, in his account of this retreat written to the council of England, ſays, that the Scots having brought their ordnance over Tweed, ſkirmiſhed before Wark, ſhewing ſuch likelihood to have given the approach, that the Engliſhmen within, looking for the ſiege, had rampiered up the gates. Strype, App. p. 275.

Mary, Q. of England, 1557. Oct. 19.

the rest to gratify the regent, assisted the Frenchmen in this enterprise. But the bulk of the nobles wholly disapproved of it; and expressing their highest indignation against D'Oysel, for his having acted without the general's orders, they commanded him to bring back his artillery; and immediately after, they dismissed their army, to the great discontent of the queen. As the small body of troops that had been before Wark were leaving it, they were attacked by some borderers and other forces of the English; the aggressors, repulsed by the Scots, were retiring in distress, when captain Read, the governor of the castle made a sally for their relief, and renewing the fight, the Scots were obliged to retire in their turn, and to cross the river with precipitation.

Strype, vol. iii. p. 434, 435. Oct. 13.

A little before the dissipation of the Scottish army, the earl of Northumberlsnd had collected a considerable body of forces at Lowick; where he was joined by the earl of Westmoreland with his men, and also by the lord Talbot, whom his father, the earl of Shrewsbury, had sent northwards to the aid of Northumberland with three thousand men *. As the queen of England was not unacquainted with the aversion of the Scottish nobles to the present war, and at the same time could very ill afford the expence of a great armament, her preparations were slow, and very unequal to the strength wherewith the Scots approached her frontier. In these circumstances the retreat of this army was very acceptable news to the court of England. Part of the English forces under Westmoreland remained to protect their frontiers, and annoy those of the enemy in the neighbourhood of Berwick. This corner it was necessary to guard against the incursions of D'Oysel; who, after the retreat of the Scottish army, remained with his countrymen at Eyemouth. Other companies of foot, paid by the French king, were stationed on the Scottish march, at Kelso, Roxburgh, and other convenient places; while the Scottish nobles in their turns attended the same service with bodies of cavalry. About Martinmas the earl of Northumberland sent his brother Sir Henry Percy, accompanied with Sir John Forster and others, chiefly those of the middle march, to make an inroad into Scotland; they were met by Sir Andrew Ker and a great body of the men of Tiviotdale, in the neighbourhood of Cheviot, almost on the boundary between the kingdoms. A sharp engagement ensued, in the beginning of which the English were beaten back; but recovering themselves, they gained a considerable advantage over the Scots, taking prisoner their leader, with several of his followers †. Sir John Forster fought

Holingshed's Sc. Chr. p. 361.

* The army which the earl of Shrewsbury, lord-lieutenant of the marches, was instructed by the council to prepare against the Scots, was to consist only of sixteen or eighteen thousand men; whereof eleven thousand were to be raised from the interior parts, and of these as many horses as he could by any means procure. Strype, App. p. 272.

The epitaph of lord Talbot, afterwards George earl of Shrewsbury, published by Dugdale (Baron. vol. i. p. 383.) mentions, that being sent by his father to join the earl of Northumberland with three thousand men at Lowick, he behaved himself in this command so as to gain the highest applause; that a little after he gained equal praise, and had no less success, in opposing the enemy, at the head of five hundred gens d'armes, the lord Grey, Drury a brave knight, and other eminent soldiers, accompanying him, and the lord Westmoreland being then general.

† Strype, who seems to have compiled from better vouchers than Holingshed does not mention the presence of Northumberland himself in this incursion, as Holingshed does. Strype also relates that the English burnt the houses and corn of Linton, and sixteen towns more, and won the tower of

fought bravery in this skirmish, wherein he was sore wounded, and had his horse killed under him; and to his prowess was chiefly ascribed the victory gained by his country-men. Mary, Q. of Scotland.

In the following winter, England suffered the heavy and disgraceful loss of Calais and its territory, the only remnant on the continent of their ancient possessions in France; and which they had held for more than two hundred years. An expensive, but unprosperous effort, was made in the summer to take Brest; which, it was hoped would bring back Calais by exchange. Meantime the war on the marches towards Scotland was faintly supported, nor did the Scots attempt any more than the defence of their own border, and some inroads into that of their neighbours, to retaliate or repair the loss of the like incursions made into their country by the English. Their queen was married in April to the Dauphin, which promised an addition of strength to the French interest among them. But no symptom of this appeared in any thing attempted during this campaign against England. The French had sufficient employment at home, in defending their own country against the Spaniards, on the side of Flanders, and against the descents of the English on their sea-coasts; the Scottish nobles were still averse to exert themselves in a French quarrel, and many of them who favoured a reformation in religion, were beginning to engage in measures to promote it, and to defend those who professed or propogated the new opinions, against the violence of their enemies. This state of affairs in France and Scotland, made the hazard the less, from the want of proper discipline among the English soldiers on the borders, and from the negligence of the officers of the garrison of Berwick; some of whom were absent, and none of them had complete and effective the numbers for which they were allowed pay*. A. D. 1558. Jan. 8. Strype, vol. iii. p. 437.

About Whitsunday, Sir Henry Percy, brother to the earl of Northumberland, and Sir George Bowes, marshal of Berwick, having under them some bands of the garrison of that place, and some other of the forces stationed on the borders amounting in the whole to seven or eight hundred horse, and two thousand foot, made an inroad into the county of Mers. There they burnt Dunse and Langton, and were returning homeward with a great booty Holingshed's Sc. Chr. p. 362, 363, 864.

of Linton, slaying therein the laird's son, and seizing in it a good spoil both of horse and goods, and afterwards burnt it. Holingshed says, that Sir Andrew Ker was taken in this rencounter. Strype doth not speak of this, but mentions the slaughter of George Ker of Hatton, a notable *borderer and evil-doer to the realm of England:* and relates, that twelve of the best Scottish horsemen were made prisoners. The Sir Andrew Ker here spoken of, was probably the eldest son of Sir Walter Ker of Cessford, who died before his father. Dougl. Peer. p. 594.

* Lord Wharton gave this account of the state of Berwick, in a letter written by him in November, to the lord president of the north; he observes in that letter, that the ordinary officers of the town, appointed by letters patent, were a captain, a marshal, a treasurer, a chamberlain, a porter, a master of the ordnance. These with the mayor for the year, were counsellors for the town; every one of them having a yearly pay, and wages allowed for a certain number of men under them. Thomas Carey was the marshal, a good true gentlemen, and an old servant; the chamberlain Sir Robert Ellerker, had discontinued from his charge, since the war begun, and a long time before; the treasurer, Allan Bellingham, was also absent; the porter was John Selby. Strype, l. c. Haynes gives the particulars of the establishment of the east-marches and town of Berwick, at this time, as to numbers and pay, p. 398.

of

Mary, Q. of England. 1558.

of cattle, when the Scottish forces that lay at Kelso, and other places, near the march, consisting of two thousand horse and three bands of foot, came up with them at Swinton. The Scottish foot trusting to the superior number of their horse, made a bold charge on the infantry of the English, who were obliged to give way, and in danger of being distressed by a failure in their gun-powder; a great part of which had been rendered useless by the moisture of a foggy morning. But they were restored to order, and kept on their ground by the bravery of Sir Henry Lee, captain Read, and other officers. By this means, the English horse had an opportunity of giving a charge to the Scottish, who being too much detached from their infantry, were soon broken and put to flight. In consequence of this, the Scottish foot, among whom were some Frenchmen, were overpowered by the superior numbers of the English, and were all either slain or taken prisoners. Cullen and Kennedy, two of the chief officers of the infantry, were made prisoners; and among the horsemen, the lord Keith, eldest son to the earl marshal of Scotland * Nor was this advantage gained without some loss on the side of the English; Pell, the ensign of Sir John Markham's band of foot, was killed, and Errington, a captain of light horsemen, on the first charge made by the English horse, was taken prisoner by the laird of Edmonstone, and carried off the field. In this conflict Sir Henry Percy displayed great courage, and was well seconded by several of his officers and soldiers†.

In the course of the same summer, a body of Scottish horse, accompanied by some foot; who were either Frenchmen, or trained and commanded by French officers, entered England by passing the Tweed. The horse, whose number was about a thousand, beginning to plunder and burn the country, a great body of English horse, collected by the earl of Northumberland and his brother Sir Henry, advanced to oppose them; Sir Henry came up with the Scottish horse at Grindon, and obliged them to retreat over the Till. There they rejoined the foot, whom they had left, and both now found it necessary to repass the Tweed into Scotland. They crossed the river in good order, but not without some loss, as they were attacked not only by the English horse, but by some bands of foot who had come up from Berwick to the aid of their countrymen. But as soon as they had regained the Scottish side of the river, they formed themselves into so compact a body, and maintained such good order in their retreat, that, although the English horsemen who were now joined by the earl of Northumberland, pursued them two miles, they were not able to make any impression upon them. It is probable, that the English leaders had judged too rashly, that so small a body of infantry would easily be destroyed by their horse, and on that account had not made their foot pass the river. But that the horse might not return without doing some hurt to their enemies, they advanced farther into the country; burning several villages, among which was Ednam in the neighbourhood of Kelso. The earl of Bothwell, during the time of his attendance on the border service,

* Keith was detained a prisoner by Sir Henry Percy, for many year after. Keith's Hist. p. 363.

† Among these were, Sir William Brereton, Thomas Markham, who led his father Sir John Markham's band of footmen, and Ralph Ellerker a captain of horsemen.

made

Mary, Q. of Scotland. 1558.

made a more successful inroad, than that just related. Having sent a sufficient body of horse to burn the town of Fenton, he remained himself with the rest of his forces at Haltwell-Sweir. There he was attacked by Sir Henry Percy, at the head of a thousand horse; but Percy's cavalry being thrown into a panic by a sudden discharge of fire arms from some of Bothwell's company, fled in disorder, and were pursued over the Till; above a hundred and twenty of them were taken prisoners, among whom were Errington and Ker, captains of light horsemen *.

The fortress of Eddrington † was situated so near the bounds of Berwick, as naturally to tempt the attacks of the English. It was taken by them in this war, as it had been in the two preceding. Its garrison consisted of sixteen Frenchmen, who made so brave a defence, that the lives of several of the assailants were lost in reducing it. Soon after, there was a hot skirmish on Halidon-Hill. Some bands of soldiers, of the Berwick garrison, were stationed there, for the protection of those employed in mowing and carrying in the hay of the common fields. Many days having passed without the appearance of any disturbance from the enemy, this party grew secure; and, throwing aside their armour, spent their time in sports. The garrison of French and Scots at Eyemouth, informed of their remissness, surprised them with a fierce and sudden attack; for which they were so ill prepared, that notwithstanding the brave efforts of their ‡ captains to rally them, they were thrice driven from the height of the hill; at length Sir James Crofts, bringing up a reinforcement from Berwick, put an end to the contest; obliging the French and Scots to retire towards Eyemouth, after the skirmish had, with considerable loss on both sides, continued from one till four in the afternoon §.

Besides these incursions and encounters, there were two great inroads made into Scotland, by the earls of Westmoreland and Northumberland. The lord

* Queen Mary, in her famous apology, sent to the court of France, for her marriage with Bothwell, says, that in these wars against England, he gave such proofs of his valiantness, courage and good conduct, that notwithstanding he was very young, yet he was chosen as the most fit of the whole nobility, to be our lieutenant-general of the borders, having the whole charge, as well to defend as to assail. At which time he made many noble enterprises, &c. Keith's Hist. p. 388.

† Holingshed calls it the *pile of Cawmills*.

‡ Of these Holingshed mentions, Sir William Brereton, Sir John Markham, Mr William Drury, and Cuthbert Vaughan.

§ There was also, some time this year, a combat fought on Halidon-Hill, between Sir William Kirkaldy laird of Grange, one of the most eminent Scottish warriors of that age, and Ralph Eure, the brother of lord Eure, who succeeded lord Wharton, in the government of Berwick. This arose from a challenge given by Kirkaldy to lord Eure, on a complaint of Eure's having maltreated Kirkaldy's brother, while his prisoner at Berwick. Because of the inequality of rank between Eure and the laird of Grange, Eure's brother accepted of the challenge, and twelve gentlemen accompanied each of the champions to the field, to be witnesses of the combat. The friends of Eure complained of some advantage on the side of his antagonist in point of armour, yet Eure did not decline the encounter. In the shock, the staves of both were broken, and Eure hurt on the side. Hol. Sc. Chr. p. 364.

The enterprises and exploits of this campaign, Holingshed says, he learned from the captains, Read, Wood, Errington, Gurley, Markham, and others, who were eye-witnesses; not having found accounts of them published by any author. Ibid.

Talbot

Mary, Q. of England. 1558.

Holingſhed ib. p. 316.

Talbot accompanied the latter, having the command of some demi-lances *; but concerning these enterprises no farther particulars are recorded. There were also descents made by the English in the course of this war in the Orkneys, and on the western coasts and islands; but the force employed in them was small, and the events they produced were of little moment.

In the autumn of this year, when the contending powers of France and Spain seemed to be on the eve of an important battle near Amiens; their dread of the event determined them to commence a negociation for ending their quarrels. This began at Cercamps, and produced a cessation of arms; but about settling the peace great difficulties arose. These difficulties were diminished by the death of Charles V. in September, which disposed his son Philip to return with all expedition to Spain; and by the death of Mary of England in November, which made the same monarch cooler with regard to the restitution of Calais. The conferences being again resumed at the castle of Cambray in February, issued in a peace between all the contending powers, The negociations during the winter tending to this peace, had an influence in slackening military enterprises on the borders; none of which were of moment enough to be described by historians †. Yet the spirit and vigour that distinguished the whole of Elizabeth's reign, was exerted in the beginning of it, in securing her frontier towards Scotland. Proclamations were issued, requiring all captains and soldiers, as well of the garrison of Berwick, as of the several bodies employed on the marches, to be at their posts by the first of January, under pain of forfeiture to those who were then absent, of all wages due to them, from their last pay until that time. Orders were also sent to the earl of Northumberland, lord warden of the east and middle marches, and to lord Eure the governor of Berwick, to employ proper persons to muster at times unexpected, the forces under their command, that thereby the frauds in their numbers and arms might be discovered. The duke of Norfolk was made lord-lieutenant of the north; but the persons chiefly trusted, in conducting the affairs of this department, were, the earl of Shrewsbury, Sir Henry Percy, and Sir James Crofts.

A. D. 1559. Elizabeth, Q. of England.

Strype, vol. i. p. 16—21,

Instructions were sent to lord Eure, to carry on the fortifications begun at Berwick. Supplies of ordnance and ammunition were hastened thither; and on the apprehensions of an attempt of the French to make a descent at Newcastle, the earl of Shrewsbury was ordered to levy a body of foot in Yorkshire, to be sent to the defence of Berwick. The lord Eure had a grant of

* The demi-lances were a kind of horſemen. *Gens de Cheval qu'ils appellent demi-lances.* (Lettre de Noailles a Reine Douariere. Haynes, p. 214.)

† About the end of the year, lord Eure made an inroad towards Eyemouth, in the neighbourhood of which, he burnt a mill, a kiln, and ſome houſes; for which ſervice he had the queen's thanks. About the ſame time, Leonard Dacres received the ſame honour for ſome exploit againſt the Scots; but was informed by the council, that it would have been more acceptable if he had been quiet, as what he had done would provoke the Scots to make repriſals. This accordingly happened, and the Scots alſo increaſing their forces on the borders, the queen found it neceſſary to order a reinforcement of a thouſand men on their ſide; of which five hundred were to be raiſed in the biſhopric of Durham, two hundred in the north riding of Yorkſhire, and three hundred by the earl of Northumberland in Richmondſhire, of which he was ſteward. Strype, vol. i. p. 17, 19, 20.

twenty

twenty shillings a day towards the entertainment of an hundred horsemen, who served under him, though not in quality of captain of Berwick. With the horsemen kept in his garrison, he was instructed to give aid to the lord warden on necessary occasions; but so that these horsemen should for the security of the town, return to it at night. Stores of corn were provided by the care of Abyngdon, surveyor of the victuals; and money was sent to Sir William Engleby the treasurer, to pay the garrison and defray other necessary charges. The person chiefly intrusted with the management of affairs in Berwick, where the new works were carried on with great vigour in the spring, was Sir James Crofts. And in reward of his diligence, he was at length appointed captain of the town and castle, in the room of lord Eure. By this time a cessation of arms *, was concluded with Scotland; and in consequence of it, orders were given by the English court, to reduce the forces at Berwick, and on the other parts of the frontiers, so far as could be done with safety. A specimen was given on this occasion, of the frugality of Elizabeth and her ministers. For, though Crofts was in high confidence with them, yet he could not, by his solicitations, obtain the continuance of an increase of threepence a day of the wages of the old garrison, which had been granted last year; but was required to persuade the soldiers to be contented with their ordinary entertainment, until the queen should be better able to enlarge it.

Mary, Q. of Scotland. 1559.

March 28.

April 2.

The negociators of the peace †, concluded at Chateau-Cambresis, between France and England, had also powers to conclude a treaty between England and Scotland; the French negociators having a commission for this effect from Mary the queen of Scotland, and her husband the Dauphin-King. The Scots having entered into the late war solely in the cause of France; an article relating to their affairs, was inserted in the treaty between France and England. By this article, it was stipulated, that the fort of Eyemouth, and whatever else had been, or might be, innovated by the King of France, or the king and queen of Scotland, before the publication of the present treaty, in breach of the league concluded at Boulogne, in March 1545, should, within sixty days after the date of the treaty now concluded, be demolished and rased to the ground, that all things should be restored to their ancient state, nor any place rebuilt and fortified anew, contrary to the treaty aforesaid; that if, within the same time, the English had made any acquisition in Scotland, or fortified any place near the border, contrary to the same treaty, they should

Rym. vol. xv. p. 589.

* An abstinence or truce had been a good while before propoſed from Scotland, and almoſt all the Scottiſh nobility were diſaffected to the war; as appears from a letter from Sir Henry Percy, giving an account of a conference he had held with the duke of Chatelherault, dated from the caſtle of Norham, January 22, 1559. Keith's App. p. 21. The abſtinence commenced on the 6th of March, extending thence to the 6th of May. It was agreed between the earls of Northumberland and Bothwell, and D'Oyſel the French lieutenant-general gave his written engagement to obſerve it, at the deſire of the queen-dowager. This engagement is dated Edinburgh, 18th of March. Haynes, p. 209.

† On the part of England, the negociators were, William Howard, baron of Effingham, knight of the garter, and chamberlain of the houſehold, Thomas biſhop of Ely, and Nicholas Wotton dean of Canterbury and York; and for France, the cardinal of Lorrain, the conſtable Montmorency, the Marſhal de St. Andre, Morvillier biſhop of Orleans, and De Laubeſpine ſecretary of ſtate and finances.

Elizabeth, Q. of England. 1559.

destroy or rase it, and that no place should be rebuilt or fortified anew by them, in violation of the treaty so often mentioned. This article is inserted in a treaty of the same date, and concluded at the same place, between England and Scotland; which contains besides, only a few of the more general articles usual in such treaties. The commissioners, professing themselves not to be sufficiently acquainted with the treaties formerly concluded between the Scots and English, did, on that account, defer the conclusion of any agreement concerning certain articles * enumerated by them, and which tended to the quiet and concord of the two kingdoms. For deliberating and concluding concerning these articles, and what else concerned the interest of both countries, they judged it expedient, that commissioners should be appointed by the sovereigns of either nation to meet at a stated place and time; the time not to exceed two months from the date of the present treaty. And that no occasions of discord might arise from the omission of the said articles, it was agreed, that in the mean time the subjects of either kingdom should behave, and be treated agreeably to the last treaty of peace between Edward VI of England and Mary of Scotland. Publication of this peace was to be made, in all the more noted places of the marches, in thirty days after the date of this treaty.

Rym. ib. p. 513.

Rym. vol. xv. p. 520. Haynes, p. 211.

In fulfilment of what was agreed by the treaty of Chateau-Cambresis, the two queens in due time appointed their commissioners †; who, on the last day of May, signed and sealed in the church of St. Mary of Upsetlington ‡, a treaty supplemental to the former; the duplicates of which were exchanged, on the same day, in the church of Norham. In this treaty, the articles referred by the negociators of the peace at Chateau-Cambresis, to be settled by the commissioners now employed, were drawn up in the same terms as they had been in many former treaties. The article also concerning Berwick on Tweed was inserted in its long accustomed form, and the restitution of the fishings of Tweed to the Scots was fixed, in the same manner as it had been in the treaty of 1551; and it was likewise declared, that the bounds of the two kingdoms should be the same as before the beginning of the late wars §.

The

* These articles related to the granting of safe-conducts; the seizing and punishing of murderers, robbers, and other malefactors; depredations, and acts of violence, and the prosecution of those who committed them; the cutting of other men's trees; fugitives from their own country who had become the subjects of either prince; those who were spoiled in making prizes and distraints by their own authority; persons who were shipwrecked or driven in by stress of weather; not comprehending the isle of Lundy in England, or the lordship of Lorn in Scotland.

† The Scottish commissioners were, James earl of Morton lord Dalkeith, lord Home, warden of the eastern march of Scotland towards England, Henry Sinclair dean of Glasgow, and James Macgill of Rankeilour Nether, clerk of the register and privy council. Those from England were, Thomas lord Percy earl of Northumberland, warden of the eastern and middle marches towards Scotland, Cuthbert bishop of Durham, William lord Dacres and Graystock, warden of the western march, and Sir James Crofts, captain of the town and castle of Berwick upon Tweed.

‡ This church of St. Mary of *Upsetlington* is, probably, the kirk of Ladykirk, which was built within the bounds of the ancient parish of Upsetlington by James IV.; as is mentioned above.

§ In the shattered MS often quoted by Keith, are, he says, several letters concerning the peace, between the queen of England and queen regent of Scotland, and also between the latter and the earl of Northumberland, lieutenant of the north of England. By a letter from the queen of England, it appears, that young Lethington had been employed to negociate the affairs of Scotland

Mary, Q. of Scotland, 1559.

The conclusion of a peace between the two nations was soon followed by violent intestine commotions in Scotland. By queen Elizabeth's first parliament, which sat in the spring, the reformed religion was restored in England. And as the persecution of the protestants in Mary's reign, had driven several of their preachers into Scotland, where they taught with great success the doctrines of the reformed; so the zeal which Elizabeth displayed in the protestant cause, greatly encouraged its friends in Scotland, to make an open profession of their religion, and to exert all their power and interest for its establishment. The queen regent of Scotland, in the beginning of her administration, both from temper and policy, treated the reformed with lenity; but her brothers, the duke of Guise and cardinal of Lorrain, influenced her to such violent measures as provoked the like measures of defence; and so produced the precipitate downfal of that ancient fabric of superstition and church tyranny, which its zealots were so earnest to support.

Although the first exertions of force, on the part of the Scottish reformers, were very resolute and successful; yet, without the support of England, they must probably have soon yielded to the policy and power of France. John Knox, in order to obtain the countenance and aid of the English court, had, about the time of his last returning to Scotland *, applied by letter to secretary Cecil, who had been his familiar acquaintance, while he resided in England, in the reign of Edward VI. In this correspondence with England, the heads of the protestant party were soon engaged, and Knox was himself sent a messenger to the English border, passing from the coast of Fife to Holy Island, and thence to the castle of Berwick, where he was entertained two days very secretly by Sir James Crofts the governor. Though queen Elizabeth and her ministers were ever remarkable for the caution and wisdom of their enterprises, and were at bottom sincerely desirous of peace; yet having abundant reason to be jealous of the ambitious views of France, they readily engaged in measures to prevent that nation from establishing its power over Scotland. On queen Elizabeth's accession to the throne, the French court resolved to advance the claim of the young queen of Scotland to the crown of England, as being the nearest of the descendants of Henry VII. rejecting the title of Elizabeth, on account of the alleged nullity of her mother's marriage with Henry. The general affection discovered by the English to Elizabeth, in the beginning of her reign, discouraged the French from taking the public steps in this matter they intended; but both during the remainder of the life of Henry II. and after the accession of his son Francis to the throne, the quartering of the arms of England and Ireland with those of France and Scotland; and the assuming, on some occasions, the title of king and queen of England and Ireland by Francis and Mary, too plainly discovered the aims of France, and gave an

Knox, p. 204.

Ib. p. 212. About the end of July.

Anderson Dipl. Tab. p. 68. Haynes, p. 265, 269.

land at the English court, before the conclusion of the treaty of Cambray. The earl of Northumberland's letters are filled with complaints against the subjects and wardens of Scotland; and he speaks of his having met with the earl of Bothwell, lieutenant on the marches of Scotland, at Redden-burn, for settling all differences. The queen-regent makes likewise complaints on her part. Keith's App. p. 89.

* John Knox came to Edinburgh, May 2.

Elizabeth, Q. of England.

1559. July 10.

offence to Elizabeth that could never be expiated. All these jealousies and causes of complaint were much increased, on the death of Henry II. which happened in the midst of the commotions of Scotland; for the ascendant of the Guises over the new king, whose queen was their niece, was entire; and queen Elizabeth had reason to apprehend every mischief from men, so ambitious of the aggrandisement of their own family, and at the same time so zealously addicted to the papacy.

The court of England, judging it therefore the best way for securing their domestic safety and quiet, to give timely aid to the reformed and antigallican party in Scotland, sent for that purpose, proper powers and supplies to Sir James Crofts governor of Berwick, and likewise dispatched to that place Sir Ralph Sadler, to act in conjunction with him*. These two officers began with furnishing sums of money to the leaders of the reformed, to enable them to pay some mercenary soldiers, whom they were obliged to retain in their service. Mr Henry Balnaves was sent to receive one of these payments, and conveyed it safely to his friends. But the laird of Ormeston, who was charged with the conveyance of a *second*, amounting to £1000 sterling, was not so fortunate; for he was attacked near Haddington and stript of his cash by the earl of Bothwell, who, notwithstanding some professions to the contrary, was secretly of the party of the queen regent.

Knox, p. 214.

Keith's App. p. 43.

The congregation†, after having been obliged to conclude a dishonourable agreement with the queen regent, and to retire from Edinburgh, in the end of July, received, about six weeks after, a great accession of strength, by the duke of Chatelherault's coming over to their party. This nobleman, declared by act of parliament the second person in the kingdom, and heir apparent to the crown, had been long jealous of the ambitious views of France to make a conquest of his country, and had been in a secret correspondence with the court of England, to defeat these projects, and secure his own interests. And his son, the earl of Arran, who commanded the body of Scottish guards retained by the French king, having discovered his affection to the protestant cause, to which he had been secretly converted, provoked the rage of the Guises, who sought his life, and obliged him to fly secretly from France. In returning to his own country, he was favourably entertained at the court of England; and recommended to the protection of the governor of Berwick, who received and concealed him for some time in the castle.

Keith's App. p. 29.

Thence being conveyed over the river in the night‡, he was committed to the care of an English gentleman, who travelled with him through unfrequented

* As also, according to Camden, with the earl of Northumberland, who was then warden of the middle march, Hist. Eliz. p. 33. The letters written about that time from Berwick to the Scottish congregation, which are published in Keith's Appendix, are subscribed by Sadler and Crofts.

† So the reformed party called themselves.

‡ Sadler and Crofts suspected Thomas Clavering, farmer of the Demesnes of Norham, and residing in the castle there, of giving intelligence to the queen regent of Scotland, that Arran had in passing been received and entertained at Berwick. Though they could not positively charge Clavering with treachery, they expressed their wish to the council of England, that he were removed farther from the border, and that there were an honest man at Norham in his place. Sadler and Croft's letter to the council of England in Keith's Append. p. 29.

roads,

roads, passing under the hills of Cheviot, to Tiviotdale, where he was received by a particular friend of his family, and conveyed thence to Hamilton. Arran, soon after, came to a meeting of the congregation at Stirling, where he openly joined them; and making up some quarrels that his father had with some of them, engaged him also to appear publicly on their side. This accession of strength and credit encouraged the party to return in October to Edinburgh, from whence the queen-regent retired, and shut herself up in Leith; which was the head-quarters of her French forces, and the fortifications of which they had greatly improved. The council of the protestant lords did, at this time, suspend the queen regent from the exercise of her office; but they were not able to reduce Leith; and, being disappointed of the supply of English money, which they expected to receive by the laird of Ormiston, they could not longer keep their forces together, but were obliged to retire from Edinburgh to Stirling, in no small confusion and disorder.

Mary, Q. of Scotland. 1559. Sept. 10. Oct. 23. Nov. 6.

These distresses made the need of a powerful and effectual aid from England more and more apparent. To solicit this, the lords of the congregation, whose drooping spirits Knox had revived, by a flaming sermon preached at Stirling, sent Maitland of Lethington, a man of great abilities, who had lately abandoned the queen regent, and joined himself to the protestants. Maitland, with Barnavie his associate, passing, as is probable, from some port in Fife to Holy Island, was received, the night after their landing, into the castle of Berwick, by the governor Sir James Crofts. Having remained there a day, conferring with Crofts and Sadler, who gave them all encouragement to hope for success in their errand, they were before day-light conveyed out of the castle, and proceeded on their journey to the English court. There they met with a very favourable reception; and in less than a month, Barnavie *, or according to the Scottish writers, Robert Melvill, returned to Stirling, with assurances of effectual support from England, on such conditions as should be agreed to by commissioners from Elizabeth, and the protestant party in Scotland.

Keith's App. p. 37. Nov. 25. Haynes, p. 213. Dec. 20.

To carry these engagements into effect, the duke of Norfolk about the end of the year came to Newcastle, invested with the office of lieutenant-general in all the country to the north of the Trent. In his commission were expressed the apprehensions the queen entertained from the great forces the French had transported into Scotland, and in particular her jealousy with regard to the safety of her town of Berwick, the principal key of her kingdom. She sent, at the same time, commissions to the gentlemen of the northern counties, to raise forces of horse and foot for opposing the dangerous attempts of the French, and to bring them to the duke of Newcastle. Valentine Brown, an auditor of the queen's exchequer, and a person of approved fidelity and exactness in former services of that nature, was intrusted with the treasure † necessary for the intended expedition, and soon followed the duke to the north. The duke himself made a visit to Berwick, about the middle of

Lettre de Noailles. Haynes, p. 218. Ib. p. 217, 218. 224.

* Thomas Rondall, alias Barnavie. Haynes, p. 238. 241.

† 16,000*l.* and 400*l.* for paying part of an arrear of 9 or 10,000*l.* due to the garrison of Berwick on the 12th of December. Brown was also ordered to inspect the treasurer of Berwick's accounts, and Abington's account of victual.

January,

Elizabeth, Q. of England.

A. D. 1560.

January, to view the fortifications*, and to concert matters about the intended expedition, with Sir James Crofts and Sir Ralph Sadler. After remaining a few days at Berwick, Norfolk returned to Newcastle to wait the assembling of his army. Meanwhile, a fleet of fourteen ships of war, commanded by Winter, having under their convoy seventeen transports laden with provisions and military stores, was sent northwards; the stores were landed at Tinmouth, Holy Island, and Berwick; and Winter, in passing by the latter place, having conferred with Crofts and Sadler, and for strengthening his squadron and aiding the Scottish lords, taken on board a body of harquebutters† out of the garrison, proceeded with his ships of war to the Edinburgh frith. The true intention of this was to intercept succours from France, or correspondence with it, and to encourage and assist the protestants; but the queen of England, thinking it prudent for the present to dissemble her designs, instructed Winter to give as a reason for his entering the Frith and continuing there some days, that, in the present stormy season, it was very unsafe for his great ships to lie off Berwick; and therefore, while his transports were unloaded there, he sought a safe retreat in the road of Leith. But as Winter was advancing towards this station, he was shot at by the French from Inchkeith, Burntisland, and Leith. This reception removed all scruple about proceeding to hostilities; he fell on some French ships lying on the Fife coast, and took three of them, two of which were ships of war, one a hoy, laden with artillery, ammunition, and also with a great number of tools, necessary for fortifications. The arrival of this English fleet in the Frith, happened very

Haynes, p. 231. 233. Knox, p. 202.

* Norfolk, in a private letter to secretary Cecil, gives his opinion about the fortifying of Berwick, which was then carrying on under the direction of Sir Richard Lee. It seemed to him, that the natural situation of the place was very unapt for fortifying, and that the work could not be carried on without great pains and expence. He applauds Lee's skill, diligence, and frugality, shewn in what was already executed; but mentions a difficulty that had arisen and was not then resolved, about which he wished the most able in the art of fortifying to be consulted; which was, whether it would be most expedient to have that side of the old town next the haven to be cut away? wherein lay all the queen's storehouses and the best houses of the town; or if the old wall should be fortified and thereby the houses saved? Sir Richard Lee who had gone south, and was visiting the fortifications at Portsmouth, was soon after sent north to settle this matter, in concert with the duke, and such as he should appoint. Haynes, p. 228. 248.

† Norfolk, on the day he set out from Berwick on his return to Newcastle, (Jan. 20.) saw the admiral with seven ships lying afore Berwick, and gave orders, before his coming thence, to Sir James Crofts to embark five or six hundred harquebuts: (Haynes, p. 227.) but, by a subsequent letter of Norfolk, he seems only to have got two hundred. (Haynes, p. 251.) The garrison of Berwick at that time consisted of well trained, and for the most part old soldiers, who were so skilful in the use of the harquebus and pike, that there were no better. (Haynes, p. 221.)

The duke of Norfolk had not the same esteem of the captains of Berwick, as of their soldiers; for he says, writing to Cecil, 'I think there is not one captain of Berwick, or if there 'be any, very few, but that rather do serve for gain, than for any good will of service. And 'what good service is like to ensue of such minds? I can judge nothing but polling and pilling 'the queen's treasure.' These excesses were not to be remedied till the present expedition was over; but the duke engaged, if it were the queen's pleasure, either to reduce them to live on the wages allowed them, or else to put others in their places that would. (Haynes, p. 239.) It was a part of the charge against Sir James Crofts, that he had encouraged that garrison to robbery, by his insatiable pilling and polling; and in the army before Leith, Norfolk says, that the abominable robbery of the garrison of Berwick had infected the country bands, the numbers there being extremely deficient. Haynes, p. 321. 327.

opportunely

opportunely for stopping the progress of a body of French, who having overrun and plundered a great part of Fife, and constrained a party of horse of the reformed, under the command of the earl of Arran and lord James Stewart to retire, were on their march to seize St. Andrew's, which they intended to fortify; but the unexpected appearance of the English squadron filled them with apprehension of being cut off from their countrymen, and made them return with great speed, by the way of Stirling, to Leith. Mary, Q. of Scotland. 1560.

A meeting being agreed to be held at Berwick, between the duke of Norfolk and delegates from the Scottish reformers, the duke came thither from Newcastle, and the Scottish lords met him at the time appointed; four of them having been brought over from Fife in a ship of Winter's squadron. These were, the lord James Stewart prior of St. Andrew's, Patrick lord Ruthven, John Wishart of Pittarow, and Mr Henry Balnaves of Hall-hill. Maitland younger of Lethington, and Sir John Maxwell of Terreagles, came by land and arrived a day sooner than the others. With these delegates the duke of Norfolk, after a short negociation, concluded a treaty; which being sent up to the English ministers, and altered in some points of small importance, was soon ratified by the queen. The chief object of this treaty was, the preservation and defence of the *true Christian Religion*, and of the ancient rights and liberties of Scotland, against the attempts of France, to destroy them, and to make a conquest of that kingdom. For this purpose the queen of England engaged to send a competent aid of her forces, both by land and sea, who, with the concurrence of the power of the lords of Scotland, were to endeavour totally to expel the Frenchmen from that kingdom. The places of strength recovered from the French, by the aid of the English, were either to be demolished, or immediately delivered up to the Scottish lords; and without the consent of these noblemen, the English were not to fortify any place on Scottish ground. Beside all manner of assistance, which the Scottish lords engaged to give the English army, they also bound themselves to furnish to the queen of England an aid of four thousand men, one half foot and the other horse, to receive English pay, in case of the French invading England, or causing it to be invaded; or if the invasion should be made on the north of the Tyne, or if the town of Berwick should be attacked *, they were to raise the whole forces at their own expence, to join them to those of England, and to keep the field the space of thirty days, or as long as they were accustomed to attend the service of their sovereigns in defence of their own country. Hostages † were to be delivered to Norfolk before the English army

Feb. 21. Haynes, p. 247, 248, 250. Feb. 24. Feb. 27. Rym. vol. xv. p. 569.

* *In case the invasion be on the north parts of England, on the north part of the water of Tyne towards Scotland, or against Berwick, on the north side of the water of Tweed.* These are the words of the treaty; from which it would seem, that Berwick was not esteemed by these negociators a part of England.

The earl of Argyle, justice of Scotland, and a contractor in this treaty, was engaged by it for his part, to give queen Elizabeth his aid in reducing the north of Ireland to *the perfect obedience of England*. (Words of Treaty.)

† The duke of Chatelherault, and nobles associated with him, were engaged by this treaty to subscribe and seal it, within the space of twenty or thirty days at most, after the delivery of the hostages.

Elizabeth, Q. of England. 1560.

army entered Scottish ground; and it was declared by both parties, that they meant not to detract from the just rights of the queen of Scotland, or from any prerogatives of the French king as her husband, which did not tend to the subversion and oppression of the just and ancient liberties of the kingdom of Scotland.

Haynes, p. 259, 260.

In fulfilment of this treaty when the season for action had arrived, and some hopes, given by the French court, of settling matters amicably had failed, the English forces quartered at Berwick and in the neighbourhood, amounting to six thousand foot and twelve hundred and fifty horse, entered Scotland. The general of this army was the lord Grey of Wilton, who was

Ib. p. 229.

also appointed warden of the east and middle marches. The second person in command, and chief of lord Grey's council, was Sir James Crofts captain of

Ib. p. 257.

Berwick *. Other principal officers under him were, the lord Scroope lord marshal, Sir George Howard commander of the gens d'armes and demilances, Sir Henry Percy general of the light horsemen, and Thomas Gower master of the ordnance. The lord Grey, marching with the foot from the bounds of

March 29. Haynes's Eng. Chr. p. 1187.

Berwick, where the army had been for some days encamped, stopped the first

Haynes, p. 274.

night at Coldingham; and the day following, being Saturday, Sir James Crofts and Sir George Howard set out from Berwick, with the lances and light horsemen. The whole army advanced this day as far as Dunglass, at which place the foot encamped, the cavalry being cantoned in the adjacent villages. The next day's march carried them to Linton-briggs and Haddington; and as they passed by the castle of Dunbar, some of the garrison sallied forth and skirmished; but keeping nigh their walls, there were only two or three lives lost in the rencounter. On the day following, being the first of April, the English army arrived at Preston Pans, where the chief commanders had first a meeting with some of the leaders of the Scottish allies. A plan of proceeding being concerted, and the queen-regent obstinately refusing to dismiss the French soldiers, without the consent of her daughter and the French

April 6.

king, the English advanced to the neighbourhood of Leith; where they were received by the French, under Martigues, with a fierce and long skirmish †. The same resolute spirit was displayed by the French during a siege of almost three months, although they could scarce entertain any prospect of relief, and, for a considerable time before the conclusion of the siege, were reduced to great

Stowe, Holingshed. Haynes, p. 280.

hostages. These hostages were delivered to Winter the English admiral; and as they were passing in a ship to Berwick, were driven in by contrary winds to Preston-Pans, while the English army lay there, on the 4th of April, and staid in the army all the night: they at last reached Berwick on the 7th. The treaty of Berwick was subscribed and sealed by the Scottish lords, in the camp before Leith, on the 10th of May, three days after the attempt to storm Leith had failed. That misfortune made it more necessary for them to give all satisfaction to the court of England; and perhaps it was then no more than thirty days since the entry of the hostages into England.

* The appointment of Sir James Crofts to this service was sudden; and the English council fearing it would be disagreeable to him, were at pains to reconcile him to it by soothing words and liberal appointments. Haynes, p. 257.

† In this skirmish great bravery was displayed by young Percy, son to Sir Henry general of the light horse; by Barnaby and Knevet, officers of that corps; as also by Trymayn, Randal, and Ligons, officers of the foot. Haynes, p. 289.

want

want of necessaries. But besides that they were good troops and had brave commanders, they were almost half as numerous as the army of besiegers *.

Mary, Q. of Scotland.

1560.

The duke of Norfolk remained during this siege at Berwick †, where he received accounts, from time to time, of its progress; and from whence he sent, at different times, considerable reinforcements to the English army. The greatest of these reinforcements, consisting of two thousand two hundred foot, escorted ‡ by five hundred horsemen, came to the camp before Leith about the

Holingſ. Eng. Chr. p. 1139. Haynes, p. 304, 348.

April 16.

* Norfolk writes, April 10, that the ſoldiers in Leith were at leaſt three thouſand five hundred French and five hundred Scots, (Haynes, p. 285). Carew, writing to Elizabeth, May 28, from Berwick, ſays, that according to the accounts of ſeveral who had come out of the place, there ſtill remained two thouſand three hundred good ſoldiers, of which two hundred had ſerved as captains, lieutenants, or enſigns (Haynes, p. 345.) Cecil writes to the queen, that the French ſoldiers, at the ſurrender of the place, were three thouſand. (Haynes, p. 354.)

† Endeavours had been uſed by the duke and Sir Ralph Sadler to gain the Homes and Kers, who had the chief power on the eaſtern part of the Scottiſh marches, to aſſiſt in expelling the French. But theſe chieftains would come into no engagements on which the duke could depend (Haynes, p. 252). He therefore raiſed ſix hundred light-horſemen, four hundred in Yorkſhire, to carry *curriars or harquebuſhes*, and two hundred in the marches. Theſe, together with the garriſon of Berwick, and the *power of the country*, were eſteemed a ſufficient defence againſt the Scottiſh marchers. The duke, writing to the Engliſh council on this ſubject, tells them, "that at "all times heretofore, when any army of England invaded Scotland, there was ever a convenient "power both of horſemen and footmen left to guard the frontiers." About the time of the Engliſh army entering Scotland, lord Home having come to the borders from Edinburgh, a report was ſpread, that he, with his friends would ſet fire in England: "but we have provided, ſays the "duke, ſuch ſauce for him, that I think he will not deal in ſuch matter: but if he do fire but "one hay-goff, he ſhall not go to Home again without torch-light; and, peradventure, may "find a lanthorn at his own houſe." (Haynes, p. 275.) Norfolk ſuſpected that the borderers deſigned to intercept the money he was ſending to pay the army at Leith, about the end of April; having had intelligence that they had orders to be ready at an hour's warning. On that account, and alſo becauſe of the great weight of the ſpecie and want of carts, he ſent Valentine Brown with it by ſea. But ſoon after, the lord Home, with ſome other of the marchers, joined the proteſtant lords, bringing with them three hundred horſes. (Haynes, p. 302.) This intelligence ſeems to have been erroneous; for Norfolk writes, May 23, that the lord Home had taxed thoſe on the march that were not able to ſerve, and commanded the others to be ready at an hour's warning; adding, that "No man can tell what he mindeth to do; but we look ra-"ther for ill than good." Haynes, p. 314.

Norfolk took particular care of the ſecurity of the borders, having for this purpoſe levied a conſiderable body of light horſemen; the chief direction of which he intruſted to Sir John Forſter, who was eſteemed the fitteſt man in Northumberland for that ſervice. [The only man to ſerve in Northumberland, Norfolk's words. Haynes, p. 275.] He alſo retained with him Sir Francis Leake, as a perſon moſt proper to be employed on any emergent occaſion, from his knowledge of the country, and great military experience.

‡ *Garded* is the word, both in Stowe and Holingſhed, Sir Ralph Sadler, Sir Francis Leake, Sir John Forſter, and Sir Nicholas Strange, had the charge of ſeeing them ſafely conducted; and having ſeen them out of danger, came, a day or two before them, to the camp.

Sir George Howard, who had been ſent to the duke of Norfolk at Berwick, to inform him of the ſtate of the ſiege, returned to it on the 25th of April, with Sir Richard Lee, under an eſcort of five hundred horſemen. Ten days after, theſe two knights departed from the Engliſh camp towards Berwick, conducted by ſome companies of horſe. Norfolk, ſpeaking of ſending Sir Richard Lee to the Engliſh camp, ſays, that he ſent him the better to know the ſtate of Leith, Edinburgh, and Inchkeith; the two laſt named of which places, it had been propoſed to attack, (while the ſiege of Leith was carrying on) and to prick our men forwards to the achieving of their intended enterpriſe there. Sir Richard Lee made a plan of Leith and ſent it to the queen. Stowe. Haynes, p. 296, 297, 307.

Elizabeth, Q. of England

1560.

middle of April. Nine hundred * more arrived, a few days after a repulse and considerable loss sustained by the English, in a too hasty and ill conducted attempt they made to scale and storm the town. A great part of the blame of this miscarriage was laid on Sir James Crofts, who did not make the assault on the part of the wall assigned to him. The duke of Norfolk, concurring with lord Grey in his accusation of Crofts, and insinuating that he had a secret correspondence with the queen-regent of Scotland, and had opposed the expedition into that kingdom, ordered him to leave the English army, and to repair to Berwick; he was from thence sent to London; and upon an inquiry made into his conduct by the privy council of England, was deprived of his government of Berwick, which was conferred on the lord Grey †. The last succours that came from Berwick, in the course of this siege, were two bodies of three hundred men each ‡; who setting out on the 8th of June, arrived in the camp on the 10th; on which day the queen-regent of Scotland, worn out with vexation and grief, died, in the castle of Edinburgh.

May 10, 15. May 7. Camd. p. 41. Haynes, p. 311, 318, 320, 321, 346.

The intestine disquiets of France, where the Guises were envied and abhorred, joined to the wisdom, secrecy, and spirit of the counsels and measures of the court of England, made it impracticable for the French to send in time any effectual aid to their countrymen in Scotland. This impelled them to exhaust all their arts of chicane, in endeavours to amuse and delude the court of England §; and to separate the protestant lords from that court, as well as to divide them amongst themselves. The chief agent in these negociations on the part of France, was Monluc bishop of Valence, who came about the middle of March to the court of England ‖, from whence, after a short stay, he was allowed to pass by the way of Berwick into Scotland, and arrived in the English camp a fortnight after the commencement of the siege of Leith. After a week spent in vain, in consulting with the queen regent, and treating with the lords of the congregation, he returned to Berwick, and thence to the court of England; he had not been long there,

Haynes.

April 21.

May 22.

* These nine hundred were a part of the Berwick garrison. Norfolk, on receiving the first news of a repulse, sending away four hundred, and a few days afterwards, at the desire of Sir Ralph Sadler, five hundred more; these latter being Sir Francis Leake's men. The duke thought it hard that the town should be left so unfurnished, as that of two thousand men there should be left but one hundred. The duke had ordered three thousand more men to be raised in his lieutenancy, and until they, or a competent part of them arrived, he was fain to furnish the town with horsemen of the borders, which were but a weak defence if the enemy had been able to do any hurt. Norfolk's letters, May 13. Haynes, p. 306.

† Norfolk, writing to Cecil, June 4, calls Crofts, the *Bell-wether*, of all his mischief. Haynes. He did not however lose the queen's favour, but was afterwards made comptroller of the kingdom. Camden.

‡ The one commanded by Sir John Nevill, the other by captain Bridges and captain Drury. Stowe, Holingshed.

§ The siege of Leith was, in its beginning, much retarded by these negociations. Haynes.

‖ Monluc came to London on the 17th of March, and in his way to Scotland, arrived at Berwick April 6, from whence he set out on the 20th; the lords of the congregation having scrupled much about allowing him to enter Scotland. He returned to Berwick on the last of April, having infringed somewhat of his safe-conduct, which extended to eight or ten days; and he came not back till the eleventh. Haynes, p. 274, 279, 295. 302.

when

when the Sieur de Randan arrived from France, with a commission * appointing the bishop of Valence and Randan himself, together with the bishop of Amiens, D'Oysel, and La Brosse, who were shut up in Leith, plenipotentiaries, to meet on the frontiers of Scotland, with deputies from the queen of England, having the like powers; in order, to compose and prevent the farther progress of differences that had arisen between the crowns, by the assembling of soldiers near the marches, in consequence of the rebellion of some of the subjects of Scotland By a commission thus expressed, the court of France sought to avoid the disgrace of entering into a treaty with their rebellious subjects.

Mary, Q. of Scotland. 1560. May 22. Keith, p. 143. Rym. vol. xv. p. 581.

The queen of England having appointed her secretary Sir William Cecil, and Dr Wotton dean of Canterbury, her plenipotentiaries †, they set out with the bishop of Valence and the Sieur de Randan, from the court of England, and came to Berwick on the 13th of June. At that place, on the day following, they agreed on certain preliminary articles, by which they fixed Edinburgh for the place of treaty, and the 16th day of the month for the time of beginning it. The object of the other articles, wherein the English appear to have sufficiently supported the character of the masters, was to hinder the French commissioners from any secret practices with Scotchmen ‡. With this view, it was agreed, that the French commissioners with their retinue, should enter Scotland, in company with the commissioners of England; that they should carry no more money with them than what sufficed for their ordinary expences, and that neither on their journey, nor at Edinburgh, while the treaty was depending, they should have intercourse with any, either French or Scottish man, without the consent of the English commissioners §.

May 25.

Keith, p. 131.

* The commission published by Keith in English, (p. 143.) is dated the 2d of June, at Remorentin. The commission in Rymer, vol. xv. p. 581. in French, is dated May 2, at Chenonceau. From the time of Randan's arrival in England, the latter appears to be the true date. The words of both commissions are the same; only there is an article in Keith's copy, empowering the French commissioners, to give assurance of the clemency of their sovereigns to the Scottish subjects on their repentance, that is wanting in Rymer's. This may have been an omission of Rymer's transcriber. Or as the places of the dates of the two copies are different, perhaps the defect in the first commission, which was very material, had been supplied by a second afterwards transmitted.

† The duke of Norfolk calls Wotton his uncle: Letter to Cecil, Haynes, 318. Henry Percy and Peter Craw, were joined in commission with Cecil and Wotton; but the two latter are only named in the instruments of the treaty, and alone subscribe these instruments; as on the other part, none of the French commissioners appear in these instruments, except the bishop of Valence and the Sieur de Randan. Both the French and English commissions give any two of the commissioners full powers to act.

‡ The Scottish lords, dreading mischief to their cause from the practices of these Frenchmen, sent lord Ruthven to Berwick, to signify their desire to Norfolk, that they might not be suffered to come nearer to the borders than Newcastle. The lords had heard, that several captains and engineers had come over with Randan, as his servants, with a view to join their countrymen in Leith. Haynes, p. 320.

§ Cecil, writing from Berwick, June 15, to Sir William Petre, chancellor of the gartar and privy counsellor, says, "We be so traversed withal by this French bishop, as we can make no 'certainty of our proceedings. All yesterday was spent in articles touching our entry, our manner of treaty, the abstinence of wars; and so agreed, as we determined, to take our journey 'this morning. Yesternight they forbore signing them upon cavillations, and yet gave us hope 'that they would finish them by four o'clock this morning, and now, until this hour, which is six, 'we cannot have speech of them, excusing themselves by long sleep.'

Elizabeth, Q. of England. 1560.

This treaty did accordingly begin at Edinburgh on Monday the 16th, but although in one of the Berwick preliminaries, it was agreed to finish it, if possible, on the Saturday following; yet such difficulties arose, and so many particular circumstances were necessary to be adjusted, that the negociation continued *full three weeks*, by which time the garrison at Leith were reduced to the greatest extremities. The agreement which was at last concluded, was reduced into three different instruments*. By the first, were fixed the circumstances of the demolition of Leith. This was to be carried on with all possible dispatch, by the French and Scots of the reformed party, with the assistance of the English, if necessary. But as soon as the demolition was completed, the *English foot*† were to retire to Musselburgh; and the French forces in Leith were to be embarked on board English ships, which were to carry them to France; and when the embarkation was finished, the English were to march to Berwick, where after being mustered and receiving their pay, they were to be dismissed. The second instrument contained a treaty between the king and queen of France and Scotland on the one part, and the queen of England on the other. By this, the treaty concluded at the castle of Cambresis, in the preceding year, was in all points confirmed. But as in consequence of the disturbances that had arisen in Scotland, soon after the conclusion of that treaty, the fortress of Eyemouth, which was appointed to be demolished and rased to the ground, was not yet reduced to that condition, although its demolition had been begun; it was now agreed, that it should be entirely destroyed before the end of four days, to be reckoned from the commencement of the demolition of the fortifications of Leith; and if needful, the Scotchmen intrusted with the direction of this work by the English ambassadors, were to have the assistance of English pioneers and workmen. By other articles of this treaty, it was agreed, that Francis and Mary should no longer assume the arms and titles belonging to Elizabeth; and that, at the intercession of Elizabeth, they should extend their clemency and bounty to the nobility and commons of the kingdom of Scotland, by granting them certain requests, tending to the honour of the sovereigns, and the general order and tranquillity of the kingdoms. Under this form of concessions, graciously made by the king and queen of Scotland to their supplicating subjects, was drawn up a third instrument, containing the articles demanded by the congregation for their liberty and security both civil and religious. In this instrument, the circumstances of the removal of the French troops were more distinctly settled. All of them were to be carried to France except an hundred and twenty, to be left in the forts of Dunbar and Inchkeith, sixty in each; and proper regulations were made for hindering these small garrisons becoming any way oppressive or dangerous to the country. Certain new works erected at Dunbar, since the beginning of the late troubles, were to be thrown down without delay; and no fortifications were to be henceforth anew erected or

Haynes, p. 329. —340.

July 5, 6. Rym. vol. xv. p. 591.

Rym. ib. p. 593.

Keith's Hiſt. p. 137.

* Two of theſe are given by Rymer, the third is in Keith. There ſeems to have been a fourth, wherein the circumſtances of the removal of the French forces were more diſtinctly ſettled, than they appear in the inſtruments abovementioned.

† Foot of the Engliſh army. (Words of Treaty.)

augmented,

augmented, nor those now to be demolished repaired, without the consent of the states. The peace being thus concluded, the French army, ten days after, put to sea in English bottoms*. The English army, at the same time, began their march towards Berwick†; and, as they passed by Dunbar, took care that the new works lately added to that fortress, should be demolished according to the treaty. The Scottish nobles who had called them to their aid, did in testimony of their gratitude, convey them some miles, in their march homewards; and the prior of St. Andrews, and Maitland of Lethington, accompanied them all the way to Berwick‡.

Mary, Q. of Scotland. 1560. July 16. Haynes, p. 357. Hol. Sc. Chr. p. 375. Keith, p. 145.

The important transactions above related, with regard to Scotland, did naturally render the state of the garrison and fortifications of Berwick, an interesting object to the queen of England and her ministry. A resolution was formed to make the place stronger than it had ever been. For this purpose its compass was much reduced, and its new walls and ramparts on the land side laid out and constructed, according to the method of fortification not long before invented §. At the same time, its garrison, which had formerly consisted of five hundred men, was considerably augmented, and those who served in it had an additional pay; their discipline was also rendered more strict. By these means the place was not only made stronger against the attacks of enemies, but became an useful nursery of military men, and afforded a comfortable retreat for *veterans*. These works were begun and carrying on in the time of the expedition into Scotland ||, as appears from what is above related; but were not finished till two or three years after. The lord Grey of Wilton succeeding, as was before observed, Sir James Crofts, soon

Camd. Hist. Eliz. p. 61.

* There were four thousand and odd persons to be transported to France, with their armour and baggage. Haynes.

† Cecil writing to Sir William Petre on the 14th, says, "That there was no reason that "Norfolk should tarry in Barwyck, having no lodging there either meet for him, or I assure you "(adds he) meet for my poor countenance."—He recommends in this letter, Sir Francis Leake, as an interim governor, on account of his being acquainted with the frontier. In a letter written eight days before, he says, that it had been signified by the queen, that two thousand soldiers should remain at Berwick besides the old ordinary garrison; but he took it to be meant beside the new ordinary, which is two thousand, and that there should be other two thousand; for that the old ordinary was not six hundred and twenty. And until he heard the contrary, he meant to stay four thousand men at Berwick for one month's space.—Norfolk did not remain long at Berwick. From a letter published by Haynes, it appears he was at Newcastle on the 29th of July. Haynes, p. 353. 358. 360.

‡ Lethington writes from Berwick July 19, to the lady Cecil, a polite and obsequious epistle; it appears from this and other letters in Haynes's collection, that the earl of Arran and lord James did also pay great court to this lady, for the sake, no doubt, of gaining favour with her *mistress* and *husband*.

§ In consequence of these improvements, Camden calls it, *munitissimum totius Britanniæ oppidum*: The manner of fortifying with bastions began in the time of Francis I. and Charles V. or at soonest of Louis XII. One of the first towns on this side of the Alps, fortified regularly with bastions, was Landrecy, executed by Francis. New Hesden on the frontiers of Artois, was soon afterwards fortified by Charles V. in the time of Henry II. P. Dan. vol. i. p. 602.

|| In an order of Guild, dated January 17, 1560, mention is made of persons having their houses taken down *for the work*. The members of the Guild were ordered to pay of every pound eight-pence to them, that were appointed to sute the same at the council's hands. In another order in 1562, a tower in Hide-hill (a street in Berwick) is mentioned as taking down for the queen's fortifications. Sir Richard Lee, surveyor for these works had valued it at 160*l*.

after

Elizabeth, Q. of England.

1560. Berwick Archives.

after the return of the English army from Scotland, was the first who bore the title of *Governor of Berwick**; his immediate predecessor Crofts being entitled *captain of the town and castle*. This change seems to have arisen from the castle being neglected, in consequence of fortifying the town on the new plan; for that ancient fortress, which adjoined immediately to the south-west corner of the old town wall, was left at the distance of several hundred yards without, from the nearest part of the new fortifications. When the lord Grey

Oct. 1.

entered to his charge, he received from the queen a set of new orders for the government of the town and garrison; which had become necessary, both from the neglect of ancient regulations, and because the garrison was now much greater than it either was intended, or was ever meant to be, when the ancient orders were framed. These orders however as is declared in the introduction to them, were only intended as an *interim* establishment, by which present defects and irregularities might in some degree be remedied, until the fortifications were completed, and a fixed garrison settled in the place. While this care and expence was bestowed on Berwick, the other places of strength near the border towards Scotland were not neglected; the charge of inspecting and repairing

Camd. ib.

all such fortresses, as were situated within twenty miles of the border, being committed to persons properly qualified by their rank and abilities for that trust.

These measures of security and defence on the part of Elizabeth were not

Sept. 2. Rym. vol. xv. p. 60. Dec. 4.

taken without just cause. For though the treaty of Edinburgh was ratified by her within the stipulated time, yet the queen of Scots and her husband refused their ratification. And though Mary's widowhood, which happened a short while after, rendered her far less formidable, yet the influence of her uncles made her still obstinate in denying the ratification; which Elizabeth by her ambassadors, earnestly solicited, as the only method of obliterating past jealousies and quarrels, and establishing a firm friendship between them. Meantime Elizabeth was careful to cultivate her interest with her friends, the nobles of the Scottish congregation; while they, justly regarding her as their surest support, were no less assiduous in courting her favour and protection. Hence

Keith's Hist. p. 168.

arose great quiet on the borders, and as it is expressed in a letter of Elizabeth to the Scottish council. "a better peace betwixt the realms, than ever was "heard of in any time."

A. D. 1561.

Mary, finding her residence in France, disagreeable after the death of her husband, and being solicited by her subjects of both parties to return to her native kingdom, did, notwithstanding her being refused a safe-conduct from Elizabeth, resolve on a passage by sea from France to Scotland, and happily

Aug. 19.

accomplished it. She was received with great joy by her subjects; and com-

* So he is called in a manuscript copy of orders given him, at the time of his entrance to his government. In the introduction to the summary of new orders that were made, on the earl of Bedford's succeeding lord Grey in Feb. 1564, it is said, that this book of orders could not be found since lord Grey's death. In that introduction it is also said, that the last mentioned orders were delivered to lord Grey, "upon the encrease of the garrison at Berwick with new crew, in "the second year of the queen's reign; and the placing of the late lord Grey of Wilton, now "deceased, as *governor* there.

menced,

menced, immediately after her arrival, a friendly correspondence with Elizabeth, which subsisted a considerable time. Her friends in France, aware of the power of the lords of the congregation, which the queen could not at first have any prospect of subduing, had advised her to yield to the necessity of the times, and to place her brother, the prior of St Andrew's, at the head of her councils. This step, which the queen immediately took upon her arrival, did at once procure domestic tranquillity, and preserve concord with the court of England, who were in the greatest confidence with her brother. Mary, though willing to abandon the arms and titles of the English queen, yet refused to ratify the treaty of Edinburgh, as being prejudicial to her just claim of the crown of England, upon the demise of Elizabeth without heirs*; and Elizabeth, though offended at Mary for proposing, by her ambassador Maitland of Lethington, to be declared the heir-apparent of the English crown, did yet give hopes of doing what was reasonable and safe in that matter, if Mary would gratify her with regard to the treaty of Edinburgh. A correspondence, by letters, abounding in expressions of mutual affection and regard, was carried on for some time betwixt the queens. And a personal interview, in the following summer, was proposed, as the best method of composing dissentions, and cementing an entire friendship.

Mary, Q. of Scotland. 1561.

Haynes, p. 376. 379.

Meantime the accustomed disorders began to prevail in the marches; and Mary, to give a specimen, in the beginning of her government, of her love of peace and justice, resolved to exert an unusual vigour in suppressing them. For this purpose, she appointed her brother the lord James her lieutenant and justiciary, empowering him to hold courts at Jedburgh, for the trial of offenders; and with advice of the council attending him, to employ such forcible methods as should appear necessary, for seizing malefactors, and destroying their houses and places of defence. The banditti, at that time, were so numerous and daring, that, in order to enable the queen's lieutenant effectually to subdue and extirpate them, the nobles, freeholders, and fighting-men of the eleven nearest counties† were summoned by the royal authority to accompany him; having sufficient armour and provision for twenty days. The lord James did not wield the sword of justice in vain. More than twenty of the banditti were apprehended and executed‡. Many of the houses that harboured or defended them were burnt: above forty prisoners were carried to Edinburgh to be tried there. The chieftains of the borders were also obliged to repair to Edinburgh, to receive orders from the queen for preventing acts

Keith, p. 198, 199, 200. Nov. 15.

* Mary, writing to Elizabeth, January 5, 1562, says, "How prejudicial that treaty is to fic title and interes as be birth and natural descente of your awin linage may fall to us, be very inspection of the treaty itself you may easily perceive, and how slenderly a matter of fic great consequence is wrapt in obscure termes." Haynes, p. 377.

† These were, the shires of Berwick, Roxburgh, Selkirk, and Peebles, the three Lothians, Stirling-shire, Clackmannan and Kinross-shires, and the shire of Fife. The fighting-men of these counties were to meet the queen's lieutenent, or justice, at Lauder, on the 13th of November, and to pass with him to Jedburgh, where the justice-court was to begin to be held, on the 15th.

‡ Randolph, in his letter to Cecil, (Keith, p. 205.) says, that twenty-two or twenty-three of them were hanged. J. Knox says, there were twenty-eight of one clan, beside others. Buchanan says, twenty-eight of the fiercest of them. Knox, p. 294. Buchanan, l. 17.

of

Elizabeth, Q. of England. 1561.

of injustice and violence amongst their dependents for the future. The lord James had, during this expedition, a meeting at Kelso with the lord Grey and Sir John Forster, the wardens of the east and middle marches of England; and settled with them proper measures for keeping peace and order on both sides.

A. D. 1562. Haynes, p. 386.

In the following summer, Maitland of Lethington, Mary's principal secretary, was sent by her to the English court, to conclude the agreement and settle the terms of the interview proposed betwixt the queens. He soon obtained Elizabeth's consent to meet with Mary at York, or some other convenient place on the north of the Trent, in the Autumn of that year; if the troubles in France should be composed before the end of June, of which there was then a probable appearance. Advertisement being soon after received of an accord between the Prince of Condé and Guise, Elizabeth empowered lord William Howard of Effingham, her chamberlain, to settle with Lethington articles for ordering the interview, and for giving full security to the queen of Scotland and her train while in England. These articles were accordingly agreed between the two commissioners*, a safe-conduct was drawn up, and all manner of preparations was beginning to be made for the reception and entertainment of Mary and her retinue, when intelligence arrived from France, of the civil dissentions breaking forth anew in that kingdom with fresh violence; the Guisean party having deceived Condé, and proceeding to such extremes of cruelty against the Protestants, as were very alarming to all of that religion. These circumstances made Elizabeth and her council of opinion, that it was imprudent to leave her capital at the time intended. But she had no sooner taken this resolution, than she sent Sir Henry Sidney to Mary, to declare her great sorrow for being disappointed of the expected visit of her beloved sister; and to explain at length the reasons that made her change her resolution. He was also instructed to propose an interview in the summer of the following year, and carried with him a ratification of the articles abovementioned for Mary's security, extended to that time. But Elizabeth soon after openly joining the French Protestants, Mary, both from her zeal in religion, and fear of wholly losing the friendship of her uncles, refused to consent to the interview, unless she should be adopted by Elizabeth as her heir, and declared successor to the crown by the parliament of England; conditions which Elizabeth was too jealous of her power and safety ever to admit.

Ib. p. 389.

Ib. p. 391, 392.

Ib. p. 395.

Camd. p. 66.

* Mary's retinue was allowed to conſiſt of a thouſand. If ſhe pleaſed, ſhe might enter England by the town of Berwick, ſo as her train, within that town, exceed not the number of two hundred perſons at one time; and that, in the whole, from the time of her entry, to her return, there might paſs through that town, the number of three hundred perſons, and not above, and the reſt to paſs by Norham and Wark. The moneys of Scotland not being current in England, it was agreed, that either the treaſurer of Berwick, receiving from the officers of Mary, 10,000*l.* or leſs, of gold or ſilver of Scotland, ſhould give in exchange an equivalent ſum of the moneys of England. Or that the queen of England ſhould make the Scots moneys, at their juſt proportional value to that of the current coins of England, to be current in England, from the time of the queen of Scotland's entry, and for ſix months after it. Haynes, p. 390.

Queen

Queen Elizabeth embarked in the support of the French Hugonots, from considerations similar to those that induced her to espouse the cause of the Protestants in Scotland. But her success in Scotland and France was not equal. For, her allies* in the latter kingdom deserting her, she was reduced to the necessity of defending Havre de Grace†, which the Protestants had put into her hands, against the combined power of her enemies and late friends. But the plague breaking out in the garrison during the siege, it became impossible to retain an acquisition which, it was once hoped, might have been the mean of procuring the restitution of Calais ‡. The queen of Scotland, during these transactions, was industriously caressed by Elizabeth; and the ministers of the former being, at the same time, firmly attached to the English interests, she was not, as was almost always the case of her predecessors, drawn openly to quarrel with England, in the cause of France.

Mary, Q. of Scotland. 1562. Camden. A. D. 1563.

New disorders arising on the marches, and experience shewing the expediency of making additions and amendments to former regulations, contrived for that turbulent scene; commissioners § from both queens, in the autumn of this year, met, for this purpose, first at Carlisle; whence, passing to Dumfries, they did there draw up and confirm, with their signs and seals, a convention, consisting of several articles. This convention begins with representing, that the trespasses and injurious attempts on each side were become so numerous, that the redress of them all was impracticable, without bringing such distress on the inhabitants, as would greatly weaken the frontiers of both realms. It was therefore resolved to temper justice with clemency; that subjects who had been disorderly, might be gained by the goodness of their sovereigns; and that future offenders might undergo the greatest rigour of justice. For effecting these good purposes, the commissioners were commanded, by their respective sovereigns, to proceed at the present meeting, not as parties for the one or other kingdom, but with perfect indifference, as chosen for both kingdoms, to reduce the borders of each realm to good order; and to consent to all things that tended to the continuance and establishment of the present amity and peace between the two queens and their realms.

Sept. 23. Nicholf. Border Laws, p. 84—103.

With these views, it was agreed, that redress should be made by the officers of each realm, within their proper districts, for all murders, slaughters, and offences, formerly committed, and contained in rolls now subscribed by the commissioners, and delivered by those of either side, to those of the other;

* The prince of Condé and admiral Coligny.

† A ſupply of three bands of one hundred men each, under the captains Tremaine, Cornwall, and Carew, was ſent from Berwick, and arrived at Havre, June 9th. Holingſ. Eng. Chron. p. 1202. Strype ſays, that three old bands were ſent from Berwick, in the preceding December, to go thither. Strype, vol. i. p. 367.

‡ The remainder of the garriſon of Havre brought over with them to England the plague, which, in the city of London, deſtroyed, within a year, twenty-one thouſand five hundred perſons. Camden.

§ The commiſſioners on the part of England were, the lord Scroope of Bolton, warden of the weſt marches, Sir John Forſter warden of the middle marches, Sir Thomas Gargrave, vice-preſident of the council of the north, and John Rookby LL. D. and one of the ſaid council. And on the part of Scotland, Sir John Maxwell of Terreagles, and Sir John Bellenden, juſtice clerk.

Elizabeth, Q. of England. 1563.

but that all transgressions, committed before the tenth day of the present month, and not contained in the abovementioned rolls, should be put to perpetual oblivion, and never become the subject of any future complaint. But with regard to offences committed since the tenth, or that should, on either side, be hereafter committed, it was ordered, that the officers, in whose districts the offenders resided, should redress them as soon as might be, according to laws and regulations formerly in force, and to those in the present convention. In order to which, the wardens should hold their days of march frequently, and attend them in person, as often as they could; not leaving them to be held by their deputies, without some great and just occasion. These days of march or truce were to be kept at least once a month, and the meetings to be continued, from day to day, until all causes brought before them were discussed, and justice dispensed according to the treaties; so that redress should not be confined to damages of equal amount, or the same number of bills on each side, but every complaint should have a fair hearing and decision. For the farther ensuring of these equitable proceedings, it was ordained, that each warden should, on the next march day held by himself, and ever after, once a year, at the first meeting after Midsummer, make oath to do justice in all complaints brought before him, and belonging to his office and district, without favour, malice, delay, or any exception: also, that, in causes referred to him, and in which he was to proceed upon his honour, in the manner explained in the account given of the treaty of 1553, he should make inquiry and redress to the utmost of his power; and that, if in such causes he should in any instance absolve the persons complained of, and afterwards discover the real offender, he should still give justice against him, although not named in the complaint. An oath, for the faithful execution of their duties, was likewise to be made by those joined to the wardens in their inquiries, and by the members of any inquest or assize for the trial of complaints.

Above, p. 579.

The speedy dispensation of justice being much promoted by the method of the warden's *inquiring*, *convicting*, and *making deliverance* *, upon his honour with the assistance of six honest and respectable men of his district, nominated by the opposite warden, this form of process was ordained to continue; but with a proviso of its not being thereby meant to derogate from or abolish the ancient laws and customs of the marches, which allowed the *hot trodd* for recovery of stolen goods; or the trial of an assize, before which, a lawful proof should be led, if the plaintiff made choice of this way of trial. It having been also found, since the order was introduced, of the wardens making inquests upon their honour, that some wicked men had presented bills of complaint wholly groundless, and thereby affronted justice, in leading the wardens to make search concerning what had never existed. In order to obviate this abuse, it was now ordained, that the presenters of such lying bills, should be delivered to the opposite warden, to be punished, imprisoned, or fined, for their offence, according to the desire of the warden offended.

Above, p. 580.

* In the convention, by *ſhearing*, *fyling*, and *delivering*, upon his honour.

Justice

Mary, Q. of Scotland. 1563.

Justice being often much obstructed by the connivance or protection given by the lords or other proprietors of lands, and their officers and bailiffs, to the tenants and inhabitants of their grounds, it was judged necessary and expedient, after the arrestment of any of this latter class as offenders, and intimation given of their offence to the former, that these lords, or their agents, should endeavour to the utmost of their power, to make such offenders appear before the warden, to answer justice in the matters they were charged with. And if the lords or proprietors of lands, or their officers, should fail and be culpable, in this respect, then the warden should charge *these persons themselves*, with the redress of the offence committed by any of their people; with the exception, that when the offences were capital, they should not suffer death.

It was next agreed, that every warden should strictly maintain his authority, within his own jurisdiction, and make the inhabitants under him sensible of the obedience they owed him. And for the better support of his authority, if any of his people proved refractory and fled over the march, the warden so disobeyed, should give information of the fugitive, to the warden opposite to him, requiring him to seize and deliver up the offender without delay; which the warden thus required, should do his utmost to effect; and, if the fugitive was not in the mean time apprehended, should, within six days, cause him to be proclaimed throughout his wardenry; and also, inform his two neighbouring wardens, that they might, in the same manner, proclaim him within their districts. And after such proclamation, whatever person entertained or aided the fugitive, should be delivered to *the warden who made complaint*; and in case the resetter did not produce and deliver the fugitive, the former should incur the punishment to which the fugitive himself was liable. Farther, if the fugitive carried his goods to the opposite realm, the warden delivering him up, should retain these goods for his pains. But if the fugitive was not apprehended, but only his goods seized, the goods were to be restored to the warden of the realm he left; and redress to be made, as for goods unlawfully received, contrary to the treaty of peace. When such fugitives associated and formed themselves into a body for mutual defence, whether they belonged to both or either of the realms, the warden of either side, when required by the other, to give his aid to pursue and apprehend such criminals, should be ready to do so, accompanied by such numbers, and at such times and places as should be agreed upon. And if any rebel or fugitive should make his escape, in consequence of being apprized by any person of the design or approach of the wardens to apprehend him, the informer was to be delivered to the warden complaining, to suffer imprisonment for a year, and to be fined a sum equal to the value of all his goods; or even to undergo capital punishment, if the wardens of both kingdoms found it expedient to inflict it.

For the same end, of supporting and making effectual the authority of the wardens, it was ordained, that if any person of either realm should come within the other, violently to obstruct or oppose a warden in the execution of his office, he should be considered as a public offender against the treaty; and therefore, if slain, hurt, or apprehended, he should be regarded as a subject of the kingdom where his offence was committed, and should not be claimed

Elizabeth, Q. of England. 1563.

as a subject of the kingdom from whence he came: and if he should escape to his own country, the injured warden might present a bill for recovering him. And on his being convicted of the crime, he should be given up to the plaintiff, to suffer punishment, at his discretion, and as a subject of the kingdom where he had offended. The pursuit of offenders or fugitives from justice, in *hot trodd*, was also now allowed to be made by wardens over the march into the opposite kingdom. It was declared lawful for the warden to continue this pursuit, until the criminal should be apprehended, and to carry him back to his own jurisdiction, to suffer punishment. And the same warden might require any inhabitant of the opposite kingdom, who made resistance to him in this pursuit, to be delivered up to him, to undergo punishment at the warden's discretion. But it was thought proper, and ordained, that the warden, in thus pursuing, should take the first person he met with in the opposite realm, or one out of the first town he arrived at, to accompany and assist him in this pursuit. Farther, if, in such cases, any of the company of pursuers should commit any injury in the opposite realm, it was appointed, that the offender should be delivered to the opposite warden, to be tried and punished, at the discretion of that warden and other twelve persons of that kingdom, to be named by the warden of the other side.

The next article was intended as a provision for the avoiding of perjury, which had been too common in the valuing of stolen cattle; and at the same time, for the greater terror of thieves, by ascertaining the penalties they incurred. For these purposes, the values of beasts of different kinds were established*; according to which, redress was to be made, for thefts committed since the 10th instant, and in times coming. It had been the established custom to compel thieves to make redress, by paying the principal value of the goods, together with two doubles; but this penalty being found insufficient to prevent theft, it was now ordained, that thieves, convicted successively of three offences, besides being liable to the restitution mentioned above, should, for the third offence, be delivered to the opposite warden, and by his authority, suffer capital punishment. While the penalties of theft were thus ascertained and increased, care was taken to facilitate honest men's recovery of their goods that had been stolen; by allowing them to seek redress, either before the warden where the offender resided, or the goods remained, or, before the warden of the march where the offence was committed; both of these wardens being obliged to make lawful reparation.

Above, p. 582.

There had, it seems, been instances of subjects of the one kingdom sowing corn within the grounds of the other; to prevent such abuses, it was agreed, that the owner of the ground or warden might destroy such corn, if he pleased: or else he might complain to the opposite warden, and the person accused, if

* Theſe rates were the following: Every ox above four years old, forty ſhillings ſterling: every cow of the like age, thirty ſhillings; every ox above two years, twenty ſhillings; a young cow of the like age, twenty ſhillings; every other beaſt under two years, ten ſhillings; every old ſheep, ſix ſhillings; every ſheep-hog, three ſhillings; every old ſwine, above one year old, ſix ſhillings; every goat above one year old, five ſhillings; every young gayte, two ſhillings; and every double to be valued after the rate of ſingle.

found

found guilty, should forfeit his corn to the plaintiff, pay four times the value of the corn sown, and suffer imprisonment for three months.

Mary, Q. of Scotland. 1563.

The next article contains an improvement and addition to the article of the convention made at Berwick in 1553, fixing the increasing rates of parkage and poundage for cattle or sheep of one realm pasturing within the bounds of the other. It was now agreed, that the beasts thus wilfully depastured for the space of six hours in one day, might be seized by the warden, deputy-warden, or proprietor of the ground, to his own use, without any claim for redress. Only, the warden, or proprietor, when going to seize such sheep or cattle, should take four honest and unexceptionable men of his own country, to witness the fairness and regularity of his proceedings. When the duration of the trespass was less than six hours, the order established at Berwick was to take place; and was now enforced by inflicting a penalty on those who violently hindered the seizing and detaining of the cattle, until they were ransomed by paying the appointed rates of poundage. In these cases the beasts were also to be forfeited to the warden or proprietor; *and the questions that might arise, with regard to the circumstances of these transactions* †. were to be determined by the oath of the warden, or his deputy; or by the apprehender, together with six other honest men of the realm, nominated by the opposite warden, and declaring the truth upon their faith and honour.

Above, p. 580.

It often happening that the offender, when convicted of the charge brought against him, and delivered to the opposite warden in order to his making redress, made resistance, and escaped to his own country, by which the injured person was deprived of his security for reparation, and much confusion arose at the march-meetings, it was now ordained, that offenders so delivered, should remain quiet with the persons to whom they were delivered up, during all the time of the meeting, and two hours after, on the penalty of suffering death, or what other punishment the wardens should think proper to inflict. But the offenders here meant were not such as were given up to suffer death; for offenders of this class were to be guarded in the strictest manner, until the execution of justice upon them.

The punishment appointed in the Berwick convention for those who disturbed the march-meetings, by their brawling and mutual accusations, seeming too severe, in leaving no remedy for the complainer obtaining justice, it was now agreed, that complaints against such as would not, according to their bond and promise, re-enter as lawful prisoners, either for themselves or for others for whom they were bound, or against such as refused to pay their ransom, and were liable to other charges of a like nature, should be delivered in writing to the warden in whose district the person complained of did reside, which person the said warden should oblige to appear on the next march-day, to undergo his trial, and receive sentence, according to equity and the laws of the marches.

Above p. 582.

* And for the proof of this apprehenſion or impounding, or for the number and quantity of the goods apprehended and impounded, and for the time of the remaining of the cattle upon the ground, we will that the ſame be referred and tried by the oath, &c.

It

Elizabeth, Q. of England. 1563.

It being found that the strict ordinances in former treaties, for punishment of trespasses committed on the borders, had, by the remissness of officers in the execution of them, failed of their due influence, and were even imperfectly known, it was now ordained, that every warden should collect into one book, the treaty of peace concluded at Ladykirk, in which the above-mentioned ordinances were renewed and enforced, the present convention, and all other treaties and indentures, made between the commissioners of both realms, during the last amity and perpetual peace between the nations; and that, at the march meeting next following midsummer, after taking the oath appointed, they should cause the foresaid book, or those articles in it that tended to the preservation of friendship between the nations, the maintenance of good order, and the punishment of offenders, to be read publicly in the hearing of the whole assembly.

Above, p. 594.

Certain grounds lying on the frontiers, in the middle and east marches of both kingdoms, affording continual cause of controversy and strife, no decision having ascertained to which realm they belonged; the commissioners agreed to supplicate their respective sovereigns, to appoint deputies for hearing the claims advanced to the property of these *debatable lands*, and to cut off all occasion of future strife concerning them, by making a division, and fixing perpetual boundaries and land-marks between the two kingdoms.

Finally, whereas it appeared, that the march-laws had not been duly and uniformly executed; one warden appointing a redress of the simple value of the goods, others adding to this two doubles; some redressing with a lower value of goods, others with an higher, some permitting the person spoiled to fix the value of his goods by his oath, others the contrary; it was now ordained, that every warden should regulate his proceedings, by the treaty of peace, the articles of the present convention, and others not repugnant to these, in former conventions between the commissioners of the two kingdoms, and should all use the same form of judgment and execution, agreeable to the same laws, and the custom of the marches formerly observed.

Above, p. 582.

Dec. 14. Camden.

The lord Grey of Wilton, dying in the end of this year *, was succeeded in the government of Berwick and wardenship of the east-marches, by Francis Russel earl of Bedford. The new governor came to Berwick in the spring of

* Both Stowe and Holingſhed place the lord Grey's death on the 25th of December of the preceding year. They ſay, he died at Cheſhunt in Hertfordſhire, which Cheſhunt, Holingſhed ſays, was the houſe of Henry Denny eſq; who had married Mrs. Honour Grey, the ſaid lord Grey's only daughter. Dugdale hath followed theſe authorities, in the date he gives of this lord's death. But Camden places his death in the year following, among the deaths of the other illuſtrious men related by him, as uſual, at the end of the events of that year. Camden's account is confirmed by the date of the MS. orders that were drawn up for Bedford, at his entering to his government. There is alſo marked in an account extant in the ſecond Berwick guild-book, the ſum of 6*l.* 9*s.* 3*d.* as laid out for ſugar and wine to my lord Bedford, for entertaining him, no doubt, when he came to take poſſeſſion of his government; which money is paid out of the ſecond quarterly receipt of the town's revenues, reckoning from Michaelmas preceding, which ſhews that Bedford came to Berwick before the 25th of March 1564. Yet in a minute of Cecil's, dated Auguſt 7, 1563, of things proper for annoying the French and ſecuring England againſt them; one of the things is, to look well to Berwick, and to appoint forthwith a captain there and a marſhal. Had the captain's place been vacant ſo long after lord Grey's death?

the

Mary, Q. of Scotland.

A. D. 1564. Feb. 27. Randolph's Let. 14. Apr. Keith, p. 252.

the following year; and on entering to his charge, received a set of orders for governing the town and garrison, additional to those that had been in force in the reigns of Henry VIII. Edward VI. and Mary, and wherein considerable alterations and additions were likewise made to the collection of orders given to lord Grey four years before. These new regulations did in particular state the rank and subordination of the principal officers, who were to assist the governor in his charge, and to constitute his council. The officer next to him was the high marshal, which charge was at this time conferred on William Drury. The others in successive subordination, were the treasurer, chief porter, and master of the ordnance. These four officers the governor had authority from time to time to convoke as his counsellors, in ruling the town and garrison; and in difficult causes, where it was proper to have the advice of others, the governor might call in able and experienced men, residing either in the town or east-marches, to be assisting with the counsel for the time, but without thereby acquiring the character of counsellors. Forms were also appointed of the oaths to be administered to the governor and his fellow-counsellors, as also to the clerk of the cheque, the captains of bands, and every common soldier, upon their admission to their several places in the garrison *.

Nicholson's Border Laws.

The neighbouring queens, notwithstanding past offences, continual jealousies, and much female emulation, had powerful motives to cultivate peace with each other. Elizabeth was induced to this by the hazards that threatened her from Spain, and the house of Guise, abroad; as well as from the plots of the papists at home, who were almost all in the interests of the queen of Scots. Mary, on the other hand, desired above all things to obtain a declaration of her right of succession to the crown of England; which the friendship of Elizabeth was the most certain mean of procuring. Her correspondence with her secret friends in England could not be maintained, if she should break openly with Elizabeth. And the great interest that this latter queen had amongst the Scottish nobility and reformed clergy, together with Mary's scanty revenue, and very imperfect authority over her subjects, discouraged her from all violent proceedings. But the outward harmony, which, by the circumstances and considerations above mentioned, was long preserved between the queens, was much disturbed by Elizabeth's thwarting Mary in various projects of marriage formed by the latter. Her espousing a catholic prince, either of the families of France or Austria, Elizabeth could not admit of, as threatening the subversion both of her throne and religion. But when Elizabeth's opposition and other circumstances had determined Mary to abandon the views of a foreign alliance, she was greatly offended by that

* The journal of the house of lords in the parliament that met January 11. 1563, begins with a bill for the good ordering and governing of the queen's majesty's garrison of the town of Berwick. (Parl. Hist. vol. iv. 10.) Sir Simon D'Ewes's account of this matter is, On Tuesday the 19th of Jan. four bills had each of them one reading, of which the first, being for the good order and government of the garrison of Berwick, was read *secunda vice and commissa ad engrossandum*. On Wednesday the 20th of January, the bill touching the government of the garrison of Berwick, was read *tertia vice et concluf.* and sent to the house of commons by serjeant Carus, (*ita*) and the queen's attorney. D'Ewes's Journ. p. 67.

queen's

Elizabeth, Q. of England. 1564.

queen's proposing for an husband, her favourite the lord Robert Dudley, afterwards earl of Leicester. This match Mary regarded as unequal and dishonourable, and at the same time had reason to believe the offer insincere; Leicester being in such high favour with Elizabeth, that it was not probable she would part with him *. Yet this match was the subject of a long correspondence between the courts, and was the principal matter of a conference held at Berwick; in which the earl of Bedford, and Randolph, Elizabeth's resident at the Scottish court, acted as commissioners from the queen of England, and the earl of Murray and Lethington, who had still the principal direction of the affairs of Scotland, were commissioners from the queen of that kingdom. This conference lasted three days†; but the want of sufficient instructions, on the part of the ministers, owing to an equal want of inclination in the minds of their mistresses, hindered any thing from being concluded.

Nov. 19.

Strype. Ann. Eliz. vol. i. p. 456, 458. Keith.

After much uncertainty, and many disappointments and delays, Mary at last formed the resolution of espousing her cousin Henry lord Darnley, eldest son to Matthew earl of Lennox; which earl had resided in England ever since he abandoned his own country; and as the price of his allegiance and services, as is above related, had received in marriage from Henry VIII. his niece the lady Margaret Douglas, by whom lord Darnley was his son. Darnley being a native of England, and the eldest male descendent of Henry VII.'s eldest daughter, was thought by many to have the best right to the English crown; to which Mary would, therefore, by taking him to her husband, strengthen her title. In order to effectuate this project, Lennox was invited home, his attainder was taken off, and estate restored. Afterwards his son also obtained with difficulty permission to come to Scotland; and by the bloom of his youth, and extraordinary beauty of his person soon gained the affections of the queen; converting what was before a matter of cool and uncertain policy, into a most serious affair of the heart. Queen Elizabeth had a malignant pleasure in traversing the schemes of her neighbour, whether proceeding from the one or the other, and this malignity conspired with her accustomed policy of fomenting intestine discords in the countries in her neighbourhood, that they might not be able to give any disturbance to herself. Lennox's family were papists; although Darnley had conformed to the protestant worship in England, as he sometimes afterwards did in Scotland. This alarmed the protestants in Scotland, who had already sufficient cause of fear from the inflexible attachment of the queen to the old superstition. The ancient enemies of the house of Lennox, especially the Hamiltons, were offended at the restoration of that house to their former dignities and possessions, as well as envious of their new intended aggrandizement; and Murray

* There is a remarkable letter of secretary Cecil to Christopher Mundt, agent for the queen's affairs in Germany, declaring the extraordinary friendship the queen had for the lord Robert; but that she would never marry him. "*Hoc unicum fore illi impedimentum quod natus sit subesse reginæ*; although, *tanta existimatione dignus, ut merito possit esse reginæ maritus.* (Haynes, p. 420.) Said to be written *jussu reginæ.*

† The professed design of this convention was to settle amicably the affairs of the borders. Strype, ib.

and

and Lethington, who ever since the queen's return had governed all public affairs, were jealous of being supplanted by the influence of a beloved husband. These offences and fears were increased by the folly and insolence, that soon appeared in Darnley's conversation and behaviour. The queen of England encouraged the domestic discontents and opposition to the proposed marriage in Scotland, declared openly against it by her ambassadors, and imprisoned lady Lennox in the Tower. But Mary, favoured in her design by far the greatest part of her nobles, and by her friends both in England and in France, and having good reason to believe that Elizabeth in opposing it would not proceed to extremities, resolved to carry it speedily into effect. This however she could not do securely, without the presence of her friends armed in her defence. For Murray having forsaken the court, and joined himself with the duke of Chatelherault and some other lords, in defence, as they declared of their religion, which they pretended was endangered by the present match, this association were assembling their friends and vassals, in order to hinder it by open force. But the queen issuing her summons to her subjects to attend her in arms, such numbers of them obeyed, as enabled her to proceed to the celebration of her marriage with perfect safety *. She was, on this occasion, well served by her chieftains on the marches; particularly by the lord Home †, and the lairds of Cessford and Farniherst, who repaired to her at Edinburgh, accompanied with numerous bodies of their friends and followers. They also soon after gave her good assistance in suppressing the insurrection of the above mentioned nobles; who being unable to gain the nation to their side, or to make head against the much superior numbers ‡, assembled under the banners of the queen and her husband, retired before them to Dumfries, and thence into England; where they met with a reception from Elizabeth not at all of a piece with the encouragement she had lately given to their violent proceedings.

Mary, Q. of Scotland. 1565.

June 24. Keith's App. p. 161.

July 29.

Not many days before the celebration of the queen of Scotland's marriage, the earl of Bedford arrived at Berwick. To his government of that place and wardenry of the eastern marches was added the charge of lieutenant-general of

July 20. Keith's App. p. 162.

* At the time of her marriage, she issued proclamations conferring the title of king of Scots upon her husband, and commanding that henceforth all writs at law should run in the joint names of the king and queen. Keith, p. 307.

† Lord Home had, at this time, hopes given him of being created earl of March. (Letter of Randolph in Keith, p. 283.) Randolph advises his mistress to find Home business at home, by hiring some of the Elliots (*straps* and he terms them) to oblige him to keep at home, and to take care of his corn and cattle. Keith, p. 295.

‡ The lords and gentlemen in different districts subscribed, on this occasion, bands or associations, in support of the queen. That of Tiviotdale was subscribed at Edinburgh 23d of September, by Cessford, Farniherst, Thomas Turnbull of Bederule, John Rutherford of Hunthill, Andrew Ker of Littledean, John Mow of that ilk. (Keith's App. p. 113.) The number of associators is not great; and it appears, that the men of Liddisdale, the higher part of this county, were at that time wholly in the interests of England, and could not by all Bothwell's promises be engaged to give aid to their queen. (Keith's App. p. 185. Letter of 13th of October from Sir John Forster to Sir William Cecil.)

Elizabeth, Q. of England. 1565.

the borders *. The earl of Bothwell whom the queen had recalled from France, in order to strengthen her party, had the like charge of lieutenant on the side of Scotland †. Bedford, a few days after his coming to Berwick, was solicited, by a letter from the earl of Murray, to give his aid to himself and the other lords associated with him against the queen, by distressing their enemies in his neighbourhood. To this service Bedford was so well inclined, that he requested his mistress' allowance to aid the earl of Murray, consenting to bear the blame of it himself; or rather, his secret instructions when he left the court, were to proceed in this manner. For Elizabeth had no intention in the present quarrel, by hostilities authorized on her part, to break the peace between the nations. But, as an open war was still more to be dreaded by Mary, the English queen appears to have instructed or allowed her lieutenant to make wide steps towards an entire rupture. Such would have been the seizing and fortifying of Eyemouth, which Elizabeth recommended to him; but which Bedford declined, on account of the great difficulty that attended both the taking and sure keeping of it. Soon after, when Murray and his associates were obliged to retire to Dumfries, Bedford had orders to send three hundred of his soldiers to Carlisle, to be near, to secure their retreat into England.

Keith's App. p. 162. Letter, July 25.

Strype, vol. i. p. 443, 506.

Keith's App. p. 164.

The appearance or rumour of any misunderstanding between the sovereigns of the two kingdoms, was at all times sufficient to excite the unruly borderers to their beloved maraudings. But though such excesses were at this time frequent on both sides, yet they appear to have been most unrestrained and avowed on the part of England. Bedford, the better to colour his own proceedings, remonstrated to the queen of Scotland against the disorders committed by her subjects in his district. In answer, she informed him, that upon examining the laird of Cessford, her warden of the middle marches, he had affirmed his continual readiness to do justice; but alleged, that Bedford and his deputies had industriously put off the days of truce, at which, mutual redress of injuries was wont to be given. She also wrote him, that Colwich, his deputy, had, at a meeting held by appointment with Sanders Home of

Keith's App. p. 170, 171, 172.

* The earl of Bedford was lord lieutenant of the counties of Northumberland, Cumberland, Weſtmorland, and the biſhopric of Durham. The earl of Shrewſbury had the lieutenancy of Yorkſhire, Nottinghamſhire, and Derbyſhire. In Auguſt, the queen under pretence of better ſecuring Berwick, appointed the earl of Shrewſbury to levy two thouſand men, one thouſand and ſix hundred in Yorkſhire, and four hundred in the biſhoprick. On this the earl of Bedford conferred with the high ſheriff of the county Palatine, and other conſiderable perſons in it; by whom he was told that it was never known that the biſhopric was charged with the *ſending forth* of any men; their proper and peculiar buſineſs being to come to the aid of Berwick and the unpeopled frontiers, where theſe were preſſed by any actual neceſſity. When the earl of Bedford applied to Shrewſbury to raiſe theſe men, Bedford told him, that the queen had commanded *him*, to have all things in readineſs to provide for war; and yet to preſerve a good peace. Strype, Memor. Eliz. vol. i. p. 443. Strype is in this place miſtaken in his chronology.

Strype, Eliz. vol. ii. p. 297.

† From Mary's inſtructions, ſent to the French court by the biſhop of Dumblane, after her marriage with Bothwell, it appears, that this charge of lieutenant of the borders had been conferred on Bothwell, in the time of the war with England, during her mother's regency; that being obliged to abandon Scotland, upon the invaſion of the Engliſh in 1560, he came over from France with the queen, and ſerved her ſucceſsfully in the ſame office; and that on returning from France a ſecond time, upon her marriage with Darnley, he again reſumed his charge.

Hutton-

Hutton-hall, deputy-warden to lord Home, declared, that if Home or any of his people should serve the queen against her rebels, his master would, with his whole forces, fall upon the Mers with fire and sword. She also sent Sir Andrew Ker of Hirsel, to require satisfaction with regard to these points; and with a farther instruction to demand the delivery of the earl of Sutherland *, who had been made a prisoner at Berwick, and whose detention Bedford justified, on the pretence of certain English pirates being protected in Scotland; the queen promising that, on the delivery of the earl, any such offenders claimed by the English, and found in her dominions, should be given up.

Mary, Q. of Scotland. 1565. Keith's App. p. 163.

At the end of the year, the queen of Scotland complained in a letter sent by one of her heralds to her sister of England, of an outrage more grievous than any of those already mentioned. According to Mary's account of this affair, no less than eight hundred Englishmen had come to Edington and Chirnside, villages about four miles distant from Berwick, and there had committed slaughter, taken prisoners, and carried off a great quantity of goods. This deed being first complained of to Bedford, he took it upon himself, avowing it to be done by his command. Hence Mary found herself obliged to complain and seek redresss by an application to the queen of England, expressing her confidence, that Elizabeth would, in a proper manner, shew her displeasure with this and other proceedings of Bedford, that had the like tendency, to infringe the peace between the kingdoms. Elizabeth, in answer to this request, alleged, that Mary had been misinformed; professsing herself wholly ignorant of any such outrage as Mary complained of; but supposed, that she meant a late transaction, wherein the subjects of Scotland were the aggressors; having assaulted from an ambush, and made prisoners some Englishmen, who were endeavouring to seize some Scottish thieves, that had plundered the subjects of both nations; and that in order to rescue the persons and goods of her subjects, thus unjustly seized and detained, two of the captains of Berwick had led forth from that place, a number not half so great as that mentioned in Mary's letter. At the same time, Elizabeth declared her purpose to examine farther into this matter, and to send orders to Bedford to make redress for all just complaints, and to abstain from all proceedings that were repugnant to the amity between the realms. These disturbances in the marches were not a little promoted by the Scottish refugees in England, themselves and their messengers passing openly to and again, through the border-country, and exciting in it what trouble they could, to the friends of the king and queen. To repress this insolence, orders were issued by the king, queen, and council of Scotland, to the wardens to place watches in proper places for searching and apprehending suspected or guilty persons; and to require all the inhabitants of their several districts to be assisting in this work, under the highest penalties. Bothwell also, the lord-lieutenant was charged to see these orders executed in all points †.

By

* The earl of Sutherland had been sent for, to return out of Flanders, in order to strengthen the queen's party. Holingſ. Sc. Chron. p. 381.

† About this time, the earl of Northumberland, though a papiſt, and accounted one of Mary's Engliſh friends, did her a very ill office in ſeizing eight thouſand crowns of gold, which were ſent

Elizabeth, Q. of England. 1565. Melvill.

By these vigorous measures against her rebels, Mary reduced them to be suppliants for mercy, which was granted to some of them, and which her best friends advised her to extend to them all. But these prosperous circumstances were accompanied with others, that soon involved her in new distress. Such were her quarrels with her husband, which had already arisen to a great height, her zeal for popery, and her ill judged attachment to Rizio, whose artful and servile complaisance pleased the more, as being the reverse of the rude behaviour of most of her subjects, and even courtiers. Her relations of the house of Guise, having drawn her to concur secretly in the league for the extirpation of the protestants, which had been concerted in the conference at Bayonne, in the preceding summer, between the queen-mother of France and the duke of Alva, she did, in consequence of these new engagements and the advice of her foreign friends, resolve to proceed to the forfeiture of the fugitive lords, in a parliament that was summoned to meet in March. This resolution was ascribed to the influence of Rizio, whose favour with the queen the king regarding with jealousy and indignation, put himself at the head of a plot for destroying him. This was accomplished by seizing the unhappy wretch in the queen's presence, and murdering him at the door of her chamber. Murray and the other exiled lords who were lurking at Newcastle, and were in concert with the king and his associates in this enterprise, returned in the evening of the following day to Edinburgh. The confusion consequent on the murder, together with a proclamation emitted next day by the king, prevented the meeting of parliament, which was to sit down three days after. Mary, in order to extricate herself from the hands of the conspirators, gave a kind reception to Murray. She won the king by her blandishments, to abandon his party, and thereby gained an opportunity of making her escape to the castle of Dunbar, where a great number of her friends soon came to her aid. She also granted her pardon to Murray, and the other lords who had returned from England, that she might be the better able to avenge herself of those immediately active in the late outrage. By these measures, the latter were obliged to seek their safety by flying either into England, or the remote and inaccessible parts of their own country. The earl of Morton, the lords Ruthven and Lindsay, and secretary Maitland, fled to Newcastle; but, at the request of the Scottish queen, were, by proclamation, ordered to depart from England, yet the stay of some of them in that country was connived at. Old

A. D. 1566.

March 9.

Spotswood. Keith's App. p. 167.

to her from the Pope. This money, being driven on shore, in the wreck of a ship that was cast away on the coast of the earl's grounds, was brought to that nobleman, and Mary solicited in vain for the restitution of it, both to the queen of England, and the earl himself. To the latter, she sent, on this errand, Sir James Melvill, to whom the earl, as Melvill himself relates it, caused his advocate to read a law in the old Norman language, on which he founded his claim; and could not be prevailed with by all Melvill's entreaties to give up any part of the sum. (Melvill's Mem. p. 214.) Mary in a letter to queen Elizabeth on this subject, prays her, "to give strait "commandment and direction to her lieutenants and officers on the borders, that the said money "and goods be holden together undissipate and scattered, and be fully restored and delivered to "such persons as she (Mary) should direct for receipt of the same." Keith. In the Memoirs published by Strype, concerning the rebellion in which Northumberland was engaged, in 1569, mention is made of his great poverty, which may help to account for his being so tenacious of this prey from the queen of Scots, who was at least as poor as the earl. Strype, Memor. Eliz. vol. i. p. 599.

Ruthven

Mary, Q. of Scotland.

Ruthven died at Newcastle in June; and his son and the earl of Morton continued lurking near Alnwick and other places on the borders, until they obtained their pardon and were restored.

1566.

The queen of Scotland, having settled such concord among her nobles as their fierce spirits would admit, brought forth in quiet her son, about the middle of summer. But neither this desirable event, nor any other considerations of prudence, decency, or duty, were sufficient to conquer her aversion to her husband, and resentment against him, for the share he had in the murder of Rizio. It seems even to have been a principal motive to engage her to forgive the king's accomplices in that deed, and to court the friendship of others of the nobility whom she least esteemed, that she might reduce her husband to a state of utter solitude and contempt; in which she was certainly not a little aided by his own follies and vices. The consequences of this inexpiable aversion, would have been the less dangerous; had she not formed an attachment equally immoderate, to the earl of Bothwell, one of the most unworthy and most hated of her subjects *. It is probable that Bothwell's conduct, in his border department, contributed to alienate from the queen the chieftains there, who had the year before shewn so much zeal in her service. They were now friends to Morton, and such disorders prevailed among them, that the queen, about the beginning of October, went in person to Jedburgh, to hold justice-courts for punishing offenders, and restoring the quiet of the country †. The earl of Bothwell had set out a little before her, and gone into Liddisdale, where he had in his keeping the strong castle of Hermitage; and in an encounter with some of the banditti of that corner, received wounds that were thought dangerous. The queen receiving intelligence of this accident at Jedburgh, set out immediately to visit her favourite, and returned again to Jedburgh on the same day.

Hol. Sc. Chr. June 19.

Keith's App. p. 169.

Oct. 16.

This journey, besides the wound it gave her character, by exposing to all, her fondness for Bothwell, had almost proved fatal to her life. It was followed by an illness that greatly alarmed her court, couriers were sent with intelligence of her dangerous situation to France and England, and her counsellors, apprehending that the rude people in the neighbouring country, would be encouraged by it to break the peace, and revenge their private quarrels, issued a proclamation forbidding all such excesses on the highest penalties. In a short time, however, the queen recovered, and was able to set out from Jedburgh on a progress eastward, about the 10th of the following month. in this progress she spent the two first nights at Kelso, and passed thence to Home, having in riding thither gone so far down the river, as to obtain a distinct view of the castle of Wark. From Home she travelled through the Mers by Wed-

Keith, p. 358.

* Spotswood calls Bothwell, *a man sold to all wickedness*. August 2. Bedford writes to Cecil, Bothwell is generally hated, and is more insolent than ever David Rizio was. Keith's App. p. 169.

† This journey of the queen, to go against Cessford, &c. and keep justice-courts at Jedburgh, was projected about the beginning of August. Keith's App. p. 169. Letter of 3d August.

Melvill says, that Bothwell and Huntly enterprised the slaughter of the earl of Murray at Jedburgh; but that lord Home came there with forces, and prevented them. Mem. p. 153.

derburn

Elizabeth, Q. of England.

derburn and Langton, and being desirous to see Berwick, she came into its neighbourhood, accompanied with eight hundred or a thousand horse. Sir John Forrester, who was then deputy under lord Bedford, met her at the bound road, accompanied by about sixty horsemen, consisting of the captains and principal inhabitants of the town. Forrester's behaviour to the queen was full of respect; he conducted her first to Halidon-hill, and from thence to a place at a convenient distance, on the west of the town, where she might see it distinctly. She was saluted by a general discharge of the cannon; and was afterwards attended by Forrester and his company almost as far as Eyemouth, in her way to Coldingham; from whence, having rested there a night, she proceeded to Dunbar.

1566. Nov. 15.

Dec. 15. In the following month, the infant prince of Scotland was baptised at Stirling, with great pomp and festivity. The birth of this prince, together with the concord Mary had restored among her nobles, and their seeming attachment to herself, gave her an authority and consequence, greater than what she had formerly enjoyed. At the same time, her friends in England were earnest to have her right of succession to that crown declared; and the English parliament then sitting, were distressing queen Elizabeth by their instances, to have the great question about the succession determined without delay. These circumstances made it expedient for Elizabeth to cultivate the friendship of her cousin; and the baptism just mentioned, afforded her an opportunity of doing so. She sent the earl of Bedford as her ambassador to assist at that solemnity *. who, eight days before it, entered Scotland with a splendid retinue; among whom were most of the captains of his garrison at Berwick. The instructions he received from his sovereign on this occasion, were calculated for establishing a solid and lasting concord between the crowns and kingdoms, and for removing, as much as possible, the causes of past misunderstandings. The returns made by Mary were in the same spirit, although she made use of the opportunity to complain and seek redress of certain grievances, which some of her subjects had sustained from those of Elizabeth. The most considerable of these grievances was the detention of lord Keith, by the earl of Northumberland and his brother Sir Henry Percy, in an imprisonment of eight or nine years; that is, since he was taken in the rencounter at Swinton in 1558. All offers of reasonable ransom had been refused by the Percies †; and treble the sum

Melvill, p. 151. Keith, p. 356.

Ib. p. 362.

* Bedford, according to Melvill, notwithstanding his behaviour last year, had now become one of the surest and most affectionate friends the Scottish queen had in England. Melv. p. 151.

† It is also said, that besides this unreasonable ransom, there was required for Keith's charges, being a single man and a prisoner, 200*l.* which might of reason, it is alleged, stand for his full ransom.

The queen says, she was credibly informed, that by an ancient march-law established betwixt the earls of Douglas and Northumberland, it was provided, "That where unreasonable ransom should "be pertinaciously required on either side, and difference standing thereon, the ransom should be "estimate and made by a convenient number of indifferent men of either side, chosen and sworn "to that effect; and the prisoner to pay such a ransom as they should find his estate and ability "might bear, and the same was his taker constrained to accept." Keith, ib.

In the instructions given to Sir Robert Melvill, when sent to England in the ensuing May, complaint

sum usually paid by a person of his rank had been demanded. The mischievous consequences of this conduct both to the public amity, and the interest of individuals, in future quarrels between the nations, Mary desired Bedford to represent to his mistress, and to request her that the ancient method appointed by the laws of the marches, for settling disputes of this nature, might in the present case be observed; or at least, that Sir Henry Percy might be brought before the English council, and obliged by them to yield to moderate and reasonable terms. Mary, Q. of Scotland. 1566.

In less than two months after these transactions, the fame and fortune of the queen of Scots received an irreparable wound, by the murder of the unhappy king, and its immediate consequences. For whatever may have been alleged to invalidate the evidence of Mary's being privy to the murder of her husband; yet the protection and distinguished favour she shewed to Bothwell, whom all the world believed to be his murderer, and her even consenting to marry this abandoned man, three months after her husband's death, displayed a madness of wicked passion and obstinancy of spirit, not to be restrained by any ties of duty or decency. The queen had by her address in managing her nobles, and her late successes in repressing and revenging their enterprises against her, gained such an ascendant over them; that, to their great disgrace, the chief of them submitted to be the instruments of screening her minion from deserved punishment, both in a court of justice and in a parliament that immediately followed it. They were even engaged to sign a paper, containing an association conceived in the strongest terms, for vindicating Bothwell against the charge of the king's murder; and at the same time recommending him, though married to another, as a proper husband for the queen. The carrying of these points, so flattering to their unbridled passions, impelled the infatuated pair to accelerate an union, that in a short time proved the ruin of them both. A. D. 1567. May 15.

The marriage was scarce sooner concluded, than the clamours of the nation, the reproaches of foreigners, and the remonstrances even of the French monarch, by his ambassador Le Croc, against the shameful neglect of revenging the murder of the king, excited some of the nobles to enter into a concert for seizing Bothwell, and dissolving his marriage with the queen*. To this they were farther excited and animated by Bothwell's intolerable insolence and ambition, his gross maltreatment of the queen, and the design he discovered of getting the infant prince into his hands. About a fortnight after the marriage, proclamations † were emitted, in the queen's name, for assembling the Melvill.

complaint is ſtill made of the detention of the maſter of Marſhal; and Elizabeth is requeſted to appoint commiſſioners to meet with others appointed by Mary, and to modify the ranſom; as nothing was to be had of thoſe who detained him but utter rigour and extremity. Keith's Hiſt. p. 394.

* The heads of this combination were, the earls of Argyle, Morton, Mar, Athol, Glencairn; the lords Lindſay and Boyd; the firſt and laſt named of which ſoon went over to the other ſide. The lord Hoſne and his clients, together with the Kers and Scots, were alſo friends to the aſſociated lords. Buchanan, l. 19.

† In *one* proclamation, the inhabitants of the ſheriffdoms of Forfar and Perth; the ſtewartries of Strathern and Monteith, beneath the Highlands; the ſheriffdoms of Stirling, Lanark, Clackmannan,

Elizabeth, Q. of England. 1567.

inhabitants of several counties, to accompany the duke of Orkney, a new title which the queen had conferred on Bothwell a few days before their marriage, in an expedition against the thieves of Liddisdale; whom, it was alleged, the border-chieftains took no care to suppress. This was believed, or at least represented by Bothwell's enemies, to be intended to colour an enterprise he meditated for overwhelming those who were associated for the prince's safety, and forcing him out of their hands. But they resolved to be beforehand with him; for they had almost surprised the queen and him, while remaining at Holyrood-house; from which having retired to the castle of Borthwick, as a place of greater safety, they were soon followed by lord Home with eight hundred horse; and had just time to escape by a precipitate flight to the castle of Dunbar. Bothwell's marriage with the queen appears to have had no influence in reconciling to him the minds of the border-chieftains *. For Home headed the first body that appeared in arms against him, in the manner just related, and bodies of horse were brought up by Cessford, Coldenknows, and, from the western march, by Drumlanrig, to join the associated lords; and were present in their army at Carberry-Hill. Thither the queen had marched too hastily from Dunbar; accompanied by an army chiefly consisting of Bothwell's friends and dependents, collected out of Mers and Lothian †. The real friends of so worthless a man could not be numerous. The queen herself, if not willing to quit with him altogether, seems at least to have been desirous of being reconciled to her nobles, for the sake of their aid to controul him, and support her own authority. She therefore came to the desperate resolution of delivering herself into their hands; and was sent by them, in the evening of the following day, from her palace of Holyrood-house, to be a prisoner in the castle of Lochlevin; a step which they vindicated by the discovery of a letter she sent to Bothwell ‡, promising him inviolable affection

Keith's Hist. p. 395.

June 6.

Melvill.

June 16.

nan, Kinrofs, and Fife, are required to meet the queen's husband or lieutenant at Melrose, on the 15th of June, properly armed, and furnished with fifteen days provisions, to accompany him in his intended expedition against the border banditti. In *another*, the inhabitants of the Lothians and Berwickshire are required to be in readiness, with six days victuals, to meet the queen's husband or lieutenant, upon six days warning, and for the same effect. Keith's Hist. p. 395, 396.

* Buchanan says, that, on this occasion, the chiefs of the family of Tiviotdale, were commanded to enter into ward in the castle of Edinburgh; but that they all withdrew in the night, and returned to their several homes, except Andrew Ker, who was believed to be privy to the king's murder, and Walter Ker of Cessford, who being a person of eminent integrity suspected no harm. He adds, that lord Home, well knowing Bothwell's purposes against him, refused several invitations to come to court.

† The lords in her army (according to Calderwood, Keith's App. p. 401.) were, besides Bothwell, Seton, Yester, and Borthwick. The gentlemen of the Mers were, Wedderburn, Langton, Cumledge, and Hirsel. There were, besides, the lairds of Bass, Waughton, and Ormiston, in Lothian, and Ormiston of that ilk in Tiviotdale. Keith's Hist. p. 401.

‡ This step they vindicated by their having discovered a letter written by her to Bothwell after she had joined them, containing expressions and promises of love and inviolable attachment; and also by the passionate menaces she uttered against the associated lords, when they charged her with this correspondence, and entreated her to abandon Bothwell, and suffer him and his accomplices to be brought to justice for the murder of Darnley.

and

and attachment, notwithstanding her engagement the day before to abandon him.

Mary, Q. of Scotland. 1567.

The queen of England, although usually very insincere in her professions of friendship to Mary, seems to have been really offended with this last violent step of the subjects of the latter; regarding it as an intolerable violation of the sacredness of royalty, and of the most dangerous example to the subjects of other princes. She soon dispatched Sir Nicholas Throgmorton to comfort the queen, to signify to the associated nobles her displeasure with this conduct, to engage them, if possible, to restore the queen to her liberty, and to endeavour to mediate terms of future peace and confidence. But the lords had gone too far to retreat. Throgmorton was not allowed even to see the queen; and she was soon compelled to subscribe, in her prison, writings whereby she resigned the crown to her son, and appointed the earl of Murray regent during his minority.

Cabbala, p. 129. Cecil's letter to Sir Henry Norris, Aug. 9.

July 24.

THE

# BORDER-HISTORY

OF

# ENGLAND AND SCOTLAND.

## BOOK IX.

Elizabeth, K. of England. James VI. K. of Scotland. 1567.

IN consequence of the proceedings related above, the infant prince James VI. was crowned at Stirling on the 29th of July; and Murray, who had gone over to France, about a month before the queen's marriage with Bothwell, soon returned to accept of the regency*. Elizabeth's ministers had not the same scruples with their mistress about this revolution in Scotland; and though agreeably to their accustomed policy, they chose to preserve some life in the party of the Hamiltons, and the rest who opposed Murray, yet he had been so long their trusty friend, and the bulk of the nation was so evidently on his side, that Elizabeth was dissuaded from proceeding to any extremities against him.

The earl of Murray having taken into his hands the reins of government, displayed great vigour in establishing and exercising his power. One of the first acts of it was, his summoning several gentlemen of the Mers, to attend himself and the council, to give their advice about the administering of justice and keeping of peace within the bounds of the eastern march †. His attention to a much more disorderly part of the marches appeared by a secret

August 23. Keith's Hiſt. p. 459.

* Murray returned by the way of London; and Sir James Melvill, by appointment of the aſſociated lords, met him at Berwick, to acquaint him with his promotion to the office of regent. Keith's Hiſt. p. 443.

† Theſe were, John Home of Blacater, David Home of Wedderburn, John Lumſdean of Blanern, George Home of Ayton, Patrick Cockburn of Langton, John Swinton of that ilk, Alexander Cockburn of that ilk, John Renton of Billy, Patrick Sleigh of Cumledge, William Chyrnſide of Eaſt-Neſbitt, John Sinclair of Longformacus, Thomas Ridpath of that ilk, John Haitley of Mellerſtaines, John Hume of Coldenknows, and James Ker of Merſington. The day of their appearance was the laſt of Auguſt. On the 10th of September, the lairds of Blanern and Mellerſtaines were, for diſobeying the above charge, required, by order of council, to enter into ward in Edinburgh within three days, under the pain of rebellion. Keith's Hiſt. p. 443.

expedition

James VI. K. of Scotland. 1567.

expedition which he made in person to Hawick, in the end of October. The earl of Morton, and the lords Home and Lindsay accompanied him in this expedition, wherein more than forty of the Liddisdale thieves were taken. The castle of Dunbar continuing in the possession of Bothwell's dependents, who refused to give it up to the regent, it was resolved to reduce that fortress by a siege. For this purpose heavy artillery was carried from the castle of Edinburgh, and the garrison, seeing no hopes of relief, soon capitulated. Murray ordered the artillery and ammunition that belonged to it to be carried to Edinburgh, and committed the keeping of it to the town of Dunbar, until the ensuing parliament in December, which made an act for demolishing both that castle and the fort of Inchkeith, on account of their present ruinous state, and their heavy and useless expence to the government *.

Oct. 1. Keith's Hist. p. 456. App. p. 155.

The parliament just mentioned gave their sanction to all the measures that had been taken against the queen, and to the establishment of the new model of government. But a considerable party still remained attached to the queen; and their efforts for effecting her liberty were greatly aided by her own spirit and address, which her sufferings were never able to extinguish. Having wholly attached to her interests George Douglas, brother of the lord of the castle where she resided, he contrived the means of her escaping from the castle to the shore of the lake that surrounded it; and some of her most trusty friends being there ready to join her, she was speedily conducted by them to Hamilton. Thither great numbers of her own faction, or malcontents with the regent's administration, speedily repaired to her. At the time the queen came to Hamilton, Murray was at Glasgow, holding courts of justice. His attendants were not many, and it was the opinion of some of them, that he should retire to Stirling. But Murray, judging that the appearance of fear would, in his present circumstances, prove fatal, resolved to keep his ground. He had the advantage of having the citizens of Glasgow thoroughly attached to him; and he summoned to that city, from all quarters, his other friends. One of the chief of these was lord Home; who brought to him, out of Mers and Lothian, a body of six hundred excellent troops, part of which were horse †. The regent, after the arrival of these troops, having in all four thousand

A. D. 1568.

May 2.

Buchanan.

* Another reason given for demolishing the castle of Dunbar, was an act made in the reign of James IV. ordaining that castle to be demolished; which act had not been yet abrogated. Black Acts, Ja. VI. fol. 22.

† The whole of the regent's horse were two hundred, commanded by the lairds of Drumlanrig, Carmichael, and Alexander Home of Manderston. The last named gentleman, probably, commanded the horse brought by lord Home. Calderwood, App. Keith, p. 480.

On the day after the queen's escape from Lochlevin, the parson of Auldhamstocks, with twenty men, attempted to seize Dunbar; but many of Lord Home's men arriving at the same instant, and the town being well affected to lord Home, the person desisted from his enterprise, and returned. The enemies of lord Home in the Mers rejoiced at the queen's escape; and that lord, in the present convulsion, yielded to have conference with divers who had been long his enemies; a course which he had not taken in any former division. Yet he declared his purpose to adhere to the present settlement in church and state; and resolved, if Murray would allow it, to expel all the enemies of that regent out of the habitations in the Mers, and to place his friends

Elizabeth, Q. of England. 1568.

thousand men, intended to march against his adversaries, although exceeding his own number by 2000. But the leaders of the queen's army, confiding in their superior strength, took the field before him; marching from Hamilton, with the queen in their company, towards Dumbarton; in which strong fortress they proposed that the queen should remain until her affairs were restored. But the regent's army meeting with the queen's at Langside, two miles from Glasgow, the latter, after a short conflict, were totally defeated. In this battle lord Home, fighting on foot among the spearmen, greatly distinguished his courage, and received several wounds*. The laird of Cessford, his brother-in-law fought at his side and raised him up when beaten down to the ground. The unhappy queen, instead of making her way to an impregnable fortress, in the centre of her own dominions, fled precipitately from the field into England, where she found a prison during all the remainder of her life.

May 13.

Melvill, p. 182.

Spotiswood. Camden. Carte. Melvill.

Murray, soon after this victory, summoned a parliament; in which he intended to forfeit those who had joined the queen. But the interposition of the queen of England, and the moderate counsels of Lethington, hindered him from proceeding to extremities against any persons of eminence. The remonstrances also of the English queen, stopped Murray in the progress of an expedition he had undertaken against Mary's friends, in the south-western parts of the kingdom. He even found it necessary, for the sake of contenting Elizabeth, to repair to York, in the month of October, to give an account of his conduct, and to endeavour to obviate the accusations brought against himself and his party by the captive queen, and to prove their allegations against her. The earl of Morton, and others of his friends, were joined in commission with him for this effect†, and Mary sent her deputies to the same city; where the duke of Norfolk, the earl of Sussex, and Sir Ralph Sadler, delegates of the queen of England, were empowered to hear the pleadings and allegations of both sides. Lesly, bishop of Ross the chief confident of his mistress the queen of Scots, and one of her commissioners at York, in concert with secretary Lethington, formed a scheme for serving the unhappy queen, by practising on the ambition of Norfolk; to whom they proposed a marriage with her. The prospect of this alliance engaged Norfolk to hinder,

Haynes, p. 573.

in their room. The dread excited by Home's vigour and resolution, seems to have prevented any of Murray's enemies from joining the queen. These particulars we learn from letters of Sir William Drury marshal of Berwick to Cecil, dated May 6, &c. Keith's Hist. p. 473, 474, 475.

* So says Melvill. Calderwood relates, that lord Home was hurt on the face with a stone and almost felled. About three hundred of the queen's army were killed, almost all in the flight. Of the regent's army there fell only one man, John Ballon, a tenant of the earl of Morton at Preston in the Mers. Keith, p. 480, 481. From Calderwood.

† The commissioners on the part of the prince were, the earls of Murray and Morton, the bishop of Orkney, lord Lindsay, and abbot of Dunfermling. Their assistants were, the laird of Lethington, James Macgill, Henry Balnaves, the laird of Lochlevin, Mr George Buchanan, Mr David Lindsay. Mary's commissioners were, the bishop of Ross, the lord Boyd, the lord Levingston, the lord Herries, abbot of Kilwinning, Sir John Gordon of Lochinvar knights, Sir James Cobrun of Sterling. Haynes, p. 476.

with

with all his might, the production of the evidences of Mary's guilt, which Murray and his associates had carried with them to England. Murray, by the advice of Lethington, and in consequence of a secret concert of the latter with Norfolk, refused to proceed to this extremity, unless the queen of England first engaged, by her hand and seal, to give judgment on the evidence; and if the guilt of Mary was proved, to take under her protection the infant king, and his adherents. The English commissioners at York having no instructions to promise such security, their proceedings in that city were soon at a stand; and Murray, with two of his attendants *, at the queen's desire, repaired to London, as did also three of Mary's commissioners †, and some new commissioners ‡ were added by Elizabeth to those formerly appointed for hearing the matters in question. Murray, notwithstanding his secret engagements to Norfolk, found it necessary to gratify the English queen, by laying before these commissioners the evidences against Mary; of which the principal were, the famous letters written with her own hand to the earl of Bothwell. The commissioners of the queen of Scots now exclaimed against these letters as forgeries, and openly charged those who now accused their mistress, with being themselves the plotters, and some of them the perpetrators of Darnley's murder; but refused to enter into particulars, because their queen's request to be heard in person in her own vindication, before Elizabeth and her council, was rejected. The passion of Norfolk for marrying the Scottish queen still continuing, notwithstanding all the wickedness of which her adversaries pretended to have convicted her §, Murray was drawn into the concert of this marriage, and even proposed and earnestly recommended it to the queen by Sir Robert Melvill. But Murray appears to have had no other view in all this, than his present personal security. Commotions which began to break out in Scotland, during his absence, called for his return ‖; and the queen of Scots had so many friends, and the duke of Norfolk so much power and interest in the north of England, that the regent must have been in great hazard in his way homewards, if both the duke and queen Mary had not requested their friends and dependents to suffer him to pass undisturbed. The queen of England, also, besides lending him a considerable sum of money, sent orders to the sheriffs of the counties through which his road lay, and to the wardens of the marches, to escort and defend

Haynes, p. 496

Murdin's State Papers, p. 51, 54.
Haynes, p. 496.
Lord Hunsdon's Letter.
Murdin, ib.

Rym. vol. xv. p. 670.
Haynes, p. 501.

* The laird of Lethington and Mr James Mackgill.

† Mary's commissioners, who went to London, were, the bishop of Ross, the lord Herries, and the abbot of Kilwinning. Haynes, p. 484.

‡ The additional English commissioners appointed by Elizabeth were, Sir Nicholas Bacon keeper of the great seal, earl of Arundel, earl of Leicester, lord Clinton, Sir William Cecil principal secretary. Haynes, p. 491.

§ And of which he himself seems to have been convinced. Murdin, p. 179.

‖ Lord Hunsdon, writing to secretary Cecil from Berwick, December 20th says, that his neighbours, viz. of Scotland, were in great troubles among themselves. And on January 15th he writes, that the earl of Huntly and his associates had drawn together seven or eight thousand men, and meant to hold a parliament or national council at Glasgow. He was also advertised that the Hepburns and Hamiltons were besieging Waughton, and that lord Home was going with all his forces to rescue it. There is a great stir, saith he, in all parts of Scotland, and all by the queen's commandment. Haynes, p. 497, 502.

him

Elizabeth, Q. of England.

A. D. 1569.

him with the powers of their several districts. By help of these precautions, the regent, having left London on the 24th of January, arrived safely at Berwick on the 30th of that month *, and on the day following, at Edinburgh.

After Murray's return the project of Norfolk's marriage with the queen of Scots was pursued with great ardour. The parties themselves gave their consent, and settled the conditions of the match; one of which was, that the king of Scotland should marry a daughter of the duke. The chief of the English nobles and courtiers were made acquainted with the design, and approved of it; provided the consent of Elizabeth were first obtained. Mary's relations and friends on the continent were also content with it; and the expectations entertained by her friends of Scotland, of its being soon effectuated, and their queen in consequence of it restored, were so great, that Murray's work was much facilitated, of reducing to a present submission those who had hitherto opposed him. But all these hopes were at once overthrown by the displeasure shewn by the queen of England, when the project of this marriage, and the steps secretly taken to accomplish it, were, towards the end of summer, fully discovered to her by her favourite Leicester. About the same time reports began to arise of a rebellion being ready to break out in the north †; and soon after suspicions were increased by the duke of Norfolk's retiring from the court without leave, after having been reproached and threatened by the queen, on account of his projected marriage. As he was on his return to Windsor, after some delays and excuses, he was taken into custody; and his conduct having undergone a severe scrutiny, he was committed to the Tower. Several other nobles and courtiers, who had been privy to his designs, were also confined, or forbidden access to the court. The earls of Northumberland and

Norfolk to Murray, Haynes, p. 520.

Sept. 16.

* He wrote to Elizabeth from Berwick on the laſt of January, acknowledging, in the ſtrongeſt expreſſions of thankfulneſs, the effectual care ſhe had taken of his ſafety, and particularly mentioning lord Hunſdon's diligence in convoying him. (Haynes, p. 505, 506.) Elizabeth, to remove the prejudices that aroſe againſt Murray, from certain writings publiſhed in Scotland, about ſecret bargains he had entered into with the Engliſh queen, wherein he had ſacrificed the intereſts of his queen, and the honour of his country, to his own ambition, ordered a proclamation to be made declaring the utter falſehood of all ſuch reports. This proclamation is dated January 2. Murray, writing to Cecil from Berwick, thanks him for his great expedition in publiſhing this proclamation. Haynes, p. 500, 503, 506.

† September 17, the lord Hunſdon and Sir John Forſter, at the earl of Murray's deſire met him at Coldſtream; to which place he had come from Kelſo. They were thoroughly concluded with him, what courſe to take for adminiſtration of juſtice upon the borders; and Hunſdon had diſcourſe with him about the part he had taken in the marriage of Mary with Norfolk, which Murray endeavoured to extenuate as much as poſſible. Mary's principal meſſenger, at that time, in her correſpondence with Scotland, was Dan Ker of Shyllſtock Braes, a common and notorious thief and murderer, "and one of the killers of the ſkowt of this town," at my firſt "coming." (Hunſdon's words.) He adds, "that notwithſtanding Carr boaſted of his having "Shrewſbury's paſs-port, he had laid both the eaſt and middle marches for him." In queen Elizabeth's letter to Shrewſbury of the 22d, intimating her having joined to him the earl of Huntingdon in the charge of keeping the queen, ſhe adviſes Shrewſbury to reſtrain the common trade of poſting to and from Mary, "wherewith we perceive our poor ſubjects are more burthened, than in any other place of the realm, they be with their own cauſes." Haynes, p. 526.

Westmoreland,

James VI. K. of Scotland. 1569.

Westmoreland, who were papists, and zealously attached to the queen of Scots *, had been embarked in the project of the intended match. They had also formed plots of their own for restoring Mary to liberty; and maintained a secret correspondence with the duke of Alva, the Spanish governor of the Netherlands, who promised them aids both of money and of men, to be landed on the Yorkshire coast. The dread excited in persons conscious of so much guilt, by the proceedings against their friends in the south, precipitated them into an open rebellion; which being equally destitute of internal counsel and strength, as of foreign aid, was soon and easily quashed. The earl of Sussex was at that time the queen's lieutenant † in the north, and continued at York more than three weeks after the insurrection began, at which city he collected an army of five hundred men, wherein lord Hunsdon, governor of Berwick ‡, served as general of the horse. The exploits of the rebels were confined to the north and east ridings of Yorkshire and the county of Durham §; but having failed in their plot of setting free the queen of Scots, in the hopes of being joined by the Catholics in the other counties, their ardour soon began to abate, and their numbers to diminish. The earl of Northumberland's tenants and dependents made a shew of keeping the castles of Alnwick and Warkworth; but Sir John Forrester, the warden of the middle marches, coming before these places with a body of forces, consisting of such as he could raise in the country, and a detachment from the garrison of Berwick, got possession of them both; those who were either within them, or assembling to defend them, returning, in obedience to his proclamation to their homes. He also, by guarding the passes, prevented Northumberland's dependents in that part of the country from going to join their lord; and marching to Newcastle with a considerable body of horse and some bands of the Berwick soldiers, was joined there by Sir Henry Percy, Northumberland's brother, who made a shew of great zeal and activity in the queen's service ‖, and was engaged in some skirmishes with the rebels in the northern parts of the county of

Murdin, p. 216.

Holingshed's Sc. Chr. p. 397.

* Pembroke, writing to Elizabeth 5th December, calls them bankrupt earls. Haynes, p. 568.

† The queen, in a letter to Hunsdon October 16, calls him our lieutenant in those parts. He received his commission of lieutenancy on this occasion, being before president of the council of the north; Sir Ralph Sadler was sent to Sussex as an assistant and counsellor, and was appointed paymaster of his army. Haynes, p. 558.

‡ Lord Hunsdon had succeeded Bedford in the government of Berwick, in the 10th of Elizabeth. Dugd. vol. i. p. 397.

Hunsdon was required by a letter of the queen, dated October 16, to repair to Newcastle, of which place, and of the county of Northumberland, she appointed him governor under the earl of Sussex. She empowered him to call such a band out of Berwick, or the county of Northumberland, as circumstances might require; and she sent 500*l.* to her treasurer of Berwick, to defray the expence of such part of the garrison as might be called forth. She recommended it to him to take care of Holy Island, the importance of the place being such as could not be too warily looked to. Haynes, p. 554.

§ The song on this insurrection, in Dr Percy's Ancient English Poets, says, that they mustered thirteen thousand men at Wetherby. Dr Percy's Anc. Eng. Poets, vol. i. p. 254.

‖ The queen, November 17, writes to Sir Henry Percy, testifying her gladness at hearing of his loyalty, though against his brother Northumberland, and assuring him that in reward of his fidelity, she would have regard to have the continuance of such a house, in the person and blood of

Elizabeth, Q. of England. 1569.

of Durham. The rebellion was already in a declining state when Sussex took the field; and the lords Warwick and Clinton at the same time, advancing with greater reinforcements from the south, the two rebel earls retired towards Hexham, and thence to Naworth-castle in Cumberland. At this place their armies dispersed; the earls themselves, with the gentlemen and five hundred horse, retiring to Scotland. The regent, ever studious to oblige the court of England, found out Northumberland at a place called Harelaw on the west border, among a nest of banditti of the name of Graham, by whom, being betrayed, he was sent a prisoner to the castle of Lochlevin *. Westmoreland and others, took refuge with the lairds of Farniherst and Buccleugh, who were more able to protect them, and after spending some time in Scotland, with those of the queen's faction, were conveyed to Flanders †.

amd. p. 169, 170.

Melvill.

The entire dependence of the regent on the court of England was disagreeable to many of his countrymen, while his confidence in the protection of that court, joined to his successes and high dignity, inspired him with too much contempt of his adversaries, and at the same time led him to an haughtiness of manners that alienated his friends. To this behaviour of the regent, and to tempers and habits of their own ill fitted to obey, was owing the desertion of Lethington and Grange, the one, the greatest statesman, and

of so faithful a servant. Yet the queen's attorney-general Popham, in his discourse to the peers in the star-chamber, after Sir Henry Percy then earl of Northumberland had shot himself in the Tower; told them, and instructed what he said from the public records that the earl had been brought to his trial for his share in that rebellion, and plotting to liberate queen Mary; that he had acknowledged his fault, submitted himself to the queen's mercy; and had been fined 5000 merks. Camd. p. 339.

* Crawford's Memoirs say, that Northumberland was entertained by the Elliots, and that the regent, discovering the place of his retreat; took him out of it by force; having lost captain Borthwick and others of his followers in the assault. Crawf. p. 122.

Dr Percy's authorities in Song 4 Book 3. vol. i. say, that after being stripped and maltreated by the borderers, he reached the house of Hector of Harelaw, an Armstrong with whom he hoped to be safe; Hector having been under obligations to him, and engaged his honour to be true to him. But Hector sold him to Murray the regent, who sent him to the castle of Lochleven, then belonging to William Douglas. All the writers of that time assure us, that Hector, who was rich before, fell shortly after into poverty, and became so infamous that *To take Hector's cloak*, grew into a proverb, to express a man who betrays his friend. Dr Percy refers to Camden, Carleton, Holingshed, &c. Rel. Eng. Poetry, vol. i. p. 257.

† Hunsdon writes to the earl of Murray regent, January 9, 1570, 'That notwithstanding his 'grace's strait proclamations against *receipting* or aiding the queen's rebels any where in Scot-'land, yet the earl of Westmoreland and others, were openly kept in Farniherst, and some others 'of them at Branxam with Buccleugh, others of them with Bedrule, Andrew Ker, and the sheriff 'of Tiviotdale. And upon Thursday night last, the countess of Northumberland was brought by 'Farniherst, towards Hewme (*ita*) castle, and was fain to stay by the way at Roxburgh, by the 'soreness of the weather (being a great storm), so as it was eight o'clock on Friday morning or 'she came to Hume, and was there yet, unless she was conveyed to Fast-castle.' He adds, 'that 'the regent well knew that the queen (Elizabeth) could not take this well at their hands, espe-'cially at lord Home's, with whom she may easily be quittance, and make him repent his folly, 'as he (Hunsdon) doubted not but she would.' (Haynes, p. 573.) Lord Morley, writing from Bruges to the earl of Leicester, says, 'that the countess of Northumberland retired out of 'Scotland for very penury, being miserably entreated there, and forced for her surety to remove 'from friend to friend without rest, fearing ever to be spoiled by those barbarous people.' Lord Seton had accompanied her into France. Haynes, p. 605.

the

the other, the best soldier of the kingdom. The lord Home also, who had been long and zealously in Murray's interests, abandoned him; seduced, as some alleged, by views of gain, that were presented to him by the friends of the queen. This change appeared in an expedition made by Murray to the borders towards the end of this year; for when he arrived at the castle of Home, instead of his usual welcome, he was addressed by the lady, a sister of lord Gray, with harsh and reproachful words. But although he was poorly attended in this expedition, and the country were almost all his enemies; he exerted his usual vigour in seizing offenders, and administering justice. He also greatly obliged the queen of England, by offering his assistance to the governor of Berwick against her rebels, and by seizing the earl of Northumberland as above related *. But a few weeks after he fell a sacrifice to the violent resentment of a private gentleman of the name of Hamilton, who shot him from a window in Lithgow, as he was passing through that town in his way from Stirling to Edinburgh.

James VI. K. of Scotland. 1569. Buchanan.

A. D. 1570. Jan. 22.

On the night that followed the murder of the regent, Thomas Ker of Farniherst, and Walter Scott of Buccleugh, two of the mightiest of the border chieftains, and also friends of queen Mary, made an incursion into England, accompanied by some of the English rebels, who had been received and entertained by them. On this occasion they shewed their resentment against Elizabeth, for their treatment of their captive queen, and for the rigorous discipline the late regent (Elizabeth's good friend) had exercised over themselves, by burning and ravaging the adjacent English marches. Much about the same time, a great disturbance arose near the western English frontier. This was owing to a desperate effort of Leonard Dacres, to possess himself of the estate belonging to the Dacres of Gillesland family, which he claimed as heir to his deceased brother the late lord, but which the duke of Norfolk, who had married the widow of that lord, acquired, by a law-process for the daughters of his lady by her former husband. Leonard Dacres was in concert with Northumberland and Westmoreland in the project of their rebellion, but, by the importunity of some of his friends, was prevailed with not to join them. Yet the fatal issue of their enterprise was not sufficient to restrain this fierce insurgent from taking arms against the queen and laws of the realm; and he had the interest and address to draw around him a body of three thousand men, consisting chiefly of the banditti of the borders, with which he seized Naworth and some other places of strength that had belonged to his ancestors of the Dacres family. The charge of suppressing this insurrection was given to lord Hunsdon governor of Berwick; who, carrying with him three hundred of the best soldiers of his garrison, and being joined by one thousand two hundred men, who were either the militia of the borders, or mercenaries employed in their defence, and having in his company Sir John Forster, warden of the middle marches, advanced against this desperate band.

Murdin's State Papers, p. 39.

* Camden says, that Murray to gain queen Elizabeth made this expedition into the borders in the month of January for finding out the rebels who had fled from England; of whom having apprehended very few, and those of small note, he at last discovered Northumberland, and that he treated the borderers with great severity. *(Limitaneos graviter afflixit.)*

Elizabeth, Q. of England. 1570.

Dacres had the boldness to meet the queen's forces in the field; and fought with them a fierce and bloody battle near the little river Golt in Cumberland. But the bravery of lord Hundson, who was well seconded by captain Read, and the other captains of his garrison, prevailed; the rebels were totally defeated, and their leader was forced to fly into Scotland.

Buchanan.

The queen of England, soon after the regent's death, which grieved her much, sent Randolph into Scotland, to complain to the council of that kingdom, of the cruel outrages committed by the border chieftains in the incursion above related. This messenger was also charged to tell them, that if, in the present disordered state of the kingdom, they had not sufficient power to restrain or punish the offenders, she would revenge her wrongs by her own arms; but would, at the same time, take effectual care, that the guilty alone should suffer. The lords of the king's party to whom this message was delivered, deferred giving any answer until a regent should be chosen. But this choice was retarded by the intestine strifes that soon arose; which were much increased by a messenger from the French king to the queen's lords, by whom these latter were encouraged to persevere in the cause of their mistress, and had hopes given them of great aids. At the same time, the court of England, although resolved to support the party of the king, yet to produce the greater dependence of that party on themselves, followed their usual policy of secretly fomenting discord among the Scottish nobles; but as they had received advertisement of an intended embarkation of French troops on the coast of Bretagne for Scotland, they took care considerably to increase their forces on the borders *; and in particular, Sir Ralph Sadler was sent to Berwick, with orders to double the garrison of that place.

Carte, vol. iii. p. 498. Haynes, p. 578.

Hol. Sc. Chr. p. 1213, 1214. Compl. Amb. p. 163, 164.

The affairs of Scotland continuing unsettled, and Elizabeth determined not to suffer the entertainment and aid given to her rebels, and the injuries her subjects had sustained, to pass unrevenged, gave orders to the earl of Sussex, her lieutenant in the north, to lead an army against her enemies on the Scottish borders. To vindicate this step from the imputation of injustice and ambition, she emitted a declaration, of much the same import with the message lately sent by Randolph to the Scottish council. She assured the subjects of Scotland, who were inclined to preserve peace with her kingdom, and had not aided or entertained her rebels, that her army should do them no hurt, but on the contrary defend them in all their just rights and possessions; and, to engage their confidence, she reminded them of the great benefit she had formerly conferred on the Scottish nation, in expelling the French who had sought to enslave them, and of her moderation at that time, in abstaining from any attempt on their liberties, when she had a victorious army in the heart of their kingdom. The earl of Sussex, setting out from Berwick about the middle of April, marched up the south side of the Tweed towards Tiviotdale, and arrived in the evening at the castle of Wark. The forces he commanded, were those stationed for defence on the eastern march, and part of the

Strype's Mem. Eliz. p. 613, 614.

April 17.

* Carte, from Fenelon's Diſpatches, ſays, that it was reſolved by Elizabeth's council, that ſix thouſand men ſhould be levied for an expedition to Scotland, and twelve thouſand more, ordered to be in readineſs.

garrison,

garrison of Berwick; and he was accompanied by the lord Hunsdon, governor of the town and warden of the march just mentioned, and also by Drury, marshal of Berwick. On the day following, they entered Scotland over the *dry march*, in hostile array; destroying as they advanced every place that belonged to their enemies. In particular they burnt and raised a tower, called, from its situation in a marsh, the *Moss Tower*, that belonged to the laird of Buccleugh. Proceeding to Crailing, they destroyed a castle of some strength, possessed by the mother of the laird of Farniherst; and were at that place met by Sir John Forster, warden of the middle marches, who, having at the same time with them entered Scotland, at the head of the forces of his district, had committed ravages in the tract through which he passed. The whole army advancing to Jedburgh, they were hospitably received by the magistrates and inhabitants; in consequence of which the town was spared; and the like favour was shewn to the laird of Cessford, warden of the Scottish middle marches, and to his friends and dependants; for Cessford coming to Jedburgh, made his submission to the earl of Sussex, and having satisfied the general, that he had not violated the peace with England, by entertaining any of the English rebels, or by being concerned in the late incursions, he was taken under the protection of the English, and had all his possessions and those of his kindred preserved unhurt. James VI. K. of Scotland. 1570.

From Jedburgh the English army marched to Hawick, which, being provoked with the perfidy of the inhabitants, they laid in ashes. Carrying on the same ravages in their return, they laid waste, by two detachments, the narrow tracts of country on the sides of the rivers Bowmont and Kail, the latter of which belonged wholly to Buccleugh, his kindred and dependents. After these maraudings, the English general came to Kelso, where he remained a night, purposing to lay siege to the castle of Home; but lord Hunsdon and his company having gone the same night to Wark, in order to bring from thence the artillery to be employed in that siege, they found this impracticable, by reason of the horses that were to have drawn this artillery having been inconsiderately sent to Berwick the day before. This made it necessary for the whole English army to march back to that place, which they did on the sixth day after setting out from it; having in their short expedition destroyed and spoiled more than fifty castles and piles, and above three hundred towns and villages. The lord Scroope warden of the west marches, made at the same time an inroad into the Scottish territories over against him; and committed great depredations, without meeting with any considerable opposition. April 22.

When the English army set out from Berwick, the chiefs of queen Mary's party were assembled at Edinburgh, under the protection of the laird of Grange*, who held the castle, and was also provost of the city. Grange Spotswood.

* They had come to Edinburgh from Lithgow, where they had a meeting on the 8th of April. They had with them at Lithgow the earl of Weſtmoreland and Leonard Dacres, the queen of England's rebels. Theſe fugitives the citizens of Edinburgh would not permit to enter their city; upon which they were committed by the other lords to the charge of lord Home, who, after concealing them ſome days in his own houſe, put them into a ſhip that conveyed them to Flanders. Crawford, p. 129.

Elizabeth, Q. of England. 1570.

having gone wholly over to the queen's interests, did, at the desire of the lords of her faction, dismiss lord Home from his imprisonment in the castle, to which he had been committed by the late regent a little before his death; the lords just mentioned, having raised money for levying mercenaries to be employed in their service, lord Home had sufficient interest with them, to obtain a part of it to enable him to defend his castle of Home. But Walter Scott of Buccleugh, and Thomas Ker of Farniherst, having asked the same favour, it was refused them. They entreated also their friends to come with their forces to their aid; or if that could not be done, to come at least as far as Lauder, and to try if by the show of war they might stop the progress of the English. But these requests could not be complied with. On the contrary, the queen's lords, on the news of the English entering Scotland, not thinking themselves any longer safe in Edinburgh, where the citizens were not their friends, retired to Lithgow. From thence they sent a letter to Sussex, entreating him to cease from hostilities, until they should obtain an answer from the English queen, which was to pass through his hands. But Sussex having opened, according to his powers, their letter to the queen; and observing nothing of sufficient weight to impede his progress, proceeded, in the manner above recited, to execute the orders he had received.

Hol. Sc. Chr.

On the fourth day after the return of Sussex to Berwick, he again marched thence with an army of about three thousand men, to reduce the castle of Home. Having come in the evening to Wark, he sent Drury the Marshal of Berwick by break of the following day, with a body of horsemen and musqueteers to invest Home, and to chuse a proper place for encamping the army. On the same day about ten, the rest of the army and ordnance got over the river, through which the horse carried the foot. The general and lord Hunsdon, with a proper escort, then moved forward to examine the strength and situation of the fortress; in the neighbourhood of which, the whole army arriving in the afternoon, encamped under cover of a rock. The English musqueteers covered by a trench and by the ruins of some houses near the castle, which the Scots had burnt, gave great annoyance to those of the garrison, who appeared on the tops of the battlements, or through the embrasures. In the mean time, a battery was carrying on by the pioneers, on the north eastside of the castle, and by five o'clock next morning was ready for receiving the artillery, of which two pieces were planted upon it. The garrison being then summoned in vain to surrender, the guns began to play, and were answered by those of the castle. But these latter were soon silenced; the master gunner being disabled by the loss of his leg, which was carried away by a shot levelled against him by one of the English cannoneers. About two, the captains * of the garrison requested a parley with Drury, and leave to send a messenger to lord Home, to know his pleasure; alleging, that as he had intrusted them with the keeping of his castle, they could not deliver it up without his consent. These requests were granted them, but with severe warnings of the revenge that should be taken, if any thing indirect or fraudulent.

* William Trotter, and Gilbert Gray, lord Home's wife's brother. Hol. Sc. Chr.

dulent appeared in their conduct. The lord Home, who was not afar off, agreed to meet with Drury at a place two miles from the castle, and found himself obliged to surrender his fortress to the English general, on condition that the lives of the garrison should be spared, and that they should march out in their common wearing apparel, leaving behind them all their arms and baggage. Such Englishmen, as should be found amongst them, were excepted from the benefit of this capitulation. In pursuance of this agreement, the castle gates were opened at eight in the evening, the keys delivered to Drury and by him presented to Sussex; the garrison, consisting of one hundred and sixty-eight men, marched out, and having made their submission to the English general, were dismissed in safety. Two Englishmen that were amongst them, one a servant of the earl of Northumberland, and the other an infamous vagrant, were detained, and soon after executed at Berwick. In this short siege, were slain only two of the English, and as many Scots, but several were wounded. The booty found in the place was very considerable, consisting of a large quantity of stores, laid in for the use of the garrison, and of many rich moveables, belonging to its lord, and to neighbouring families, who had sent their most valuable goods into it, as a place of safety. On the day following the surrender, Sussex, having placed in the castle a garrison of two hundred men, under the command of captains Wood and Pikman, returned to Berwick †. Five days after, the English general sent two thousand men under the command of Drury, to take Fast-castle, which was the other principal place belonging to lord Home. This was surrendered upon the first summons, its small garrison of ten men being allowed to depart with their lives in whose room were placed ten, or according to some, fourteen Englishmen †. Some additonal fortifications appearing necessary, to render the castle of Home more tenable, they were made at the expence of the English queen.

James VI. K. of Scotland. 1570.

Compl. Amb. p. 164.

The view of these expeditions into Scotland, was not confined to distress the border chieftains. They were also intended to weaken the party attached to the captive queen, and to support the lords who were combined to maintain the authority of the infant king. These lords had requested the earl of Lennox, who had resided for some time in England, to return to Scotland, with the view of conferring upon him the regency. And Lennox having in compliance with their desire, come as far as Berwick, they solicited and obtained from the earl of Sussex, a body of forces, consisting of twelve

Camb. p. 177. Holing. Sc.Chr. p. 1217.

* Buchanan says, very improbably, 'That the garrison of Home-castle made so resolute and 'stout a defence, that the English were going next day to abandon the siege.' He adds, 'That 'this was prevented by a letter of lord Home to the keepers of the castle, ordering them to 'consult with Drury, and to follow his directions.' The use that Drury made of their confidence, was to make it known to Sussex, and in concert with him to obtain the surrender of the castle. Home, according to Buchanan, persuaded himself that Sussex and Drury were his friends; knowing that they were secretly of the party of the duke of Norfolk; and by his credulity brought upon himself this heavy loss; after which, being abandoned by almost all his friends and kinsmen, who were in the interests of the king, he retired with one or two in company to Edinburgh, and shut himself up in the castle. Buchan. l. 20.

† "These were thought sufficient," says Holingshed, "to keep it against all the power of "Scotland, the situation thereof is so strong."

hundred

Elizabeth, Q. of England. 1570.

hundred foot, and four hundred horse*, to accompany Lennox into Scotland, and to give their aid in reducing the queen's lords, before they should grow more formidable by the money and men they expected both from France and from the duke of Alva in Flanders. To ensure the safe return of these forces, with exception of the chances of war, against any treachery of those who sent for them, the lord Ochiltry and five Scottish gentlemen were sent to Berwick as hostages. Drury, marshal of Berwick, had the command of this little army; and, before his setting out, received, together with some other officers, the honour of knighthood from the earl of Sussex. The expedition was fortunate, and the queen's lords on the approach of the English forces, with those of the king's party who joined them at Edinburgh, were obliged to abandon the field, and to seek their security in distant retreats. The castle of Hamilton, with some houses belonging to the chief of that name, and to his friends and allies, were seized and destroyed; and the English auxiliaries, having given, by their timely aid, a sufficient ascendant to the king's lords over their adversaries, returned safe to Berwick, in little more than three weeks after they had left it. The Scottish hostages, detained there during that time, were dismissed; and the king's lords, with the approbation of the English queen, soon after made choice of Lennox to be regent of the kingdom, during his grandson's minority†.

Crawford's Mem. p. 144.

July. 12.

The assiduities of the French and Spanish ambassadors, to which they were continually excited by Lesly bishop of Ross, who, with unwearied fidelity, served the captive queen as her ambassador at the English court, prevailed with queen Elizabeth to renew her negociations with Mary, for the liberation of the latter from her imprisonment, and her restoration to her throne. The king of France had been the lover, and was ever the ardent friend of queen Mary; and it is probable would have afforded her some very powerful aid, had he not been hindered by the civil wars of his own kingdom, which, during his whole reign, were never effectually, nor for any considerable time extinguished. The Pope, the king of Spain, and the duke of Alva, were all zealously in Mary's interests. But Elizabeth and her ministers had the address to hinder the power of France and Spain from making any dangerous efforts against England, by fomenting jealousies between these powers, by blowing and feeding the flame of discord in the dominions of each, and by amusive negociations, that had the show of composing in an amicable manner the

* The Scottish writers call them only one thousand foot and three hundred horse. Their artillery consisted of four field-pieces. Among the foot were the companies of captains Read, Carvel, Game, Lamberd, and Errington. Holingshed calls these the old bands of Berwick, and says, they amounted to five hundred men. According to Camden, Drury was first sent from Berwick, at the head of the English auxiliaries, and received at Coldingham, the Scottish hostages: He adds, that Sussex, accompanied with several officers, followed the English army to Edinburgh; and there joined it to the forces of the king's lords. But Sussex's going to Edinburgh is not mentioned by the other historians. Camd, p. 177, 178.

† Bedford, writing of this choice to Cecil, says, Methinks I see no likelihood of the continuance of Lennox's constancy, nor of their well-doing there, (in Scotland,) unless the queen's majesty do from time to time feed the cold humours of that country with some continual demonstration of her fervency and zeal to the good matter they have taken in hand. Haynes, p. 599.

quarrels

quarrels between the queens, as well as those of Mary with her rebellious subjects. James VI. K. of Scotland.

By a negociation of this kind, which had commenced in May, certain preliminaries were about the end of June concluded, in order to pave the way for carrying on a defenitive treaty. One of these preliminary articles stipulated a cessation of arms between the contending parties in Scotland, for two months; and by another of them, it was agreed, that the king of France should send no forces into Scotland, during the progress of the treaty, and that the queen of England should recal those she had in that kingdom. The forces sent under Drury, and which were in Scotland, when this negociation began, returned to Berwick in the beginning of June. But the fortresses of Home and Fastcastle were still kept by small English garrisons; which the English ministry justified by alleging, that the lord Home having maintained the English rebels, and assisted them in invading, burning, and spoiling their native country, he was, by the laws of the borders, answerable for the damages the queen's subjects had sustained, and that his houses were kept, until he should make compensation to those who complained of the injuries done them, after which, there should be no delay in restoring them *. And it was at the same time promised, that these garrisons should commit no hostilities. In August, the earl of Sussex †, together with the lord Scroope, warden of the western march of England, making an inroad into Annandale and Galloway, sacked and plundered Dumfries, and several other places. But when this was complained of by the French ambassador, as a violation of the armistice, Elizabeth disclaimed it, as done without her orders, and as intended only to revenge some inroad of the Scottish borderers. The new regent and his friends were obliged to comply with the instances of Elizabeth in agreeing to cessations of arms, first for the two months of September, and October, and afterwards until April. During these truces, which were ill observed on both sides, delegates from each were sent to London, in order to negociate terms of agreement under the direction of the English queen ‡. Mary, earnest to

1570.

Fenelon's Dispatches in Carte, vol. iii. p. 500. Cabbala, p. 166, 167.

Hol. Eng. Chr. p. 122.

Carte, ib.

Spotiswood,

A. D. 1571.

* In the treaty at Chatsworth, between the queen of Scots and Cecil and Mildway, it was proposed to Mary, that until the rebels that were maintained in Home-castle might be delivered or received, and restitution made for the spoils committed in England, by such rebels as the lord Home maintained in Home-castle and Fast-castle, the said castle of Home shall continue in possession of the queen of England; so that the profits of the revenues be not otherwise disposed, but upon the maintenance of the garrison in the said castle. Provided that restitution be made, and the rebels cannot be recovered within three years, that, at the end of the said three years, the said castle shall be restored in as good state as it was received.—To which the answer for Mary, was, "That "because all the queen of England's subjects, if at any time any of them was received in Home-"castle, are departed forthe of that realme, and that the lord Home hath sustained great damage "and skaythe in time past; therefore, the queen of Scots doth most humbly and earnestly desire, "that Home-castle and Fast-castle also, with all the munition, moveables, and other plenishing, "may be restored to the said Home, in consideration that he is minded to entertain amitie and "peace between the realms."

† The earl of Suffex entered Scotland by the west on the 22d, and returned on the 29th. Buccleugh's Diary ap. Murdin.

‡ The delegates sent by the regent, were, the earl of Morton, Pitcairn abbot of Dunfermling, and Sir James Macgill. The queen's delegates were, the bishops of Ross and Galloway, and lord Livingston.

recover

Elizabeth, Q. of England.
1571.

recover her liberty, made great concessions. In particular, she consented that her son should be sent into England, to receive his education, and be detained as an hostage; but to this, or any conditions that should divest the king of his present authority, Morton and his associates refused their assent, as exceeding the powers their commission gave them. The delegates from Mary were no less firm in refusing to put into the hands of Elizabeth any of the fortresses of Scotland, which were demanded as a security for the queen and kingdom of England, against the ambitious enterprises of the Scottish queen. It had been proposed with this view, that Dunbarton and Home, together with some other fortresses in Galloway or Cantire, should be possessed by the English for three years; but the agents for Mary alleged, that this would be depriving her of the strength of her kingdom, and that other places of like strength might be demanded by the French king, agreeably to the spirit of the treaty of Edinburgh in 1560, which provided that neither French nor English soldiers should remain in Scotland*. It was in the end proposed by Elizabeth, that, as the Scottish regent had appointed a parliament to meet at Edinburgh on the 14th of May, there should be a cessation from mutual hostilities until that time; and that commissioners of each side should be chosen, and authorized by the parliament to compose all differences. But Mary, provoked at the obstinacy of the Scottish delegates, and the dilatory measures of Elizabeth, rejected this proposal; upon which a stop was put to any farther treating, and Morton and his associates were allowed to return to Scotland.

Haynes, p. 623.

Fenelon's Dispatches in Carte, p. 506. Haynes, p. 613.

April 8.

April 2. Buchan. l. 20. Spotiswood.

A few days before these delegates returned, the regent had, by surprise, and a scalade, in the night time, become master of the castle of Dunbarton, which had hitherto been held by lord Fleming for the queen. John Hamilton archbishop of St. Andrews, a principal person in the queen's faction, and extremely obnoxious to the regent, by the ascendant he had long held in the hostile family of Hamilton, was taken prisoner in that fortress; and three days after, publicly hanged on a gallows at Stirling. This kindled an implacable resentment in the minds of the Hamiltons, as well as of the other friends of the queen and the delegates of each party soon after coming home from England, without having made any progress in the work of pacification, a civil war immediately broke out in Scotland, and was carried on with much animosity for almost two years. The principal scene of these hostilities, during the summer of this year, was Edinburgh and Leith, and the country in their neighbourhood. Grange, the governor of the castle, having received some remittances from France, hired soldiers, by means of whom, and of his situation in the castle, he became master of the city. Thither the duke of Chatelherault, the earl of Huntley, and the other leaders of the queen's faction soon repaired. On the other hand, the regent and his friends of whom the most active and powerful was the earl of Morton, took possession of Leith; from whence they gave all the annoyance they could to their adversaries.

Cald. ii. 233.

* With regard to the demand of caſtles in Galloway or Cantire, the queen alſo pled, that ſhe had no caſtles or ſtrengths in either country, but ſuch as were the property of noblemen, and whereof, in reaſon, ſhe could not diſpoſſeſs them. Haynes, p. 613.

The

James VI. K. of Scotland. 1571.

The English queen, still affecting the character of mediatress between the contending parties, did, in that office, during this season, chiefly employ Sir William Drury marshal of Berwick. By order of his mistress, Drury repaired to Edinburgh in June; and going between the factions, laboured to gain their consent to an abstinence from hostilities; and in particular, that the capital should not remain the scene of strife, but be left open for administering public justice, and transacting the affairs of the nation. But the violent jealousies and resentments of either side frustrated all Drury's plans; and so far was his visit from composing their quarrels, that it occasioned one of the most considerable conflicts that happened during this season. For when he set out on his return from the city towards Berwick, a body of the queen's forces did, in testimony of respect, attend him to some distance from the walls. Morton, who lay at Leith, informed of this appearance of the enemy, drew out his forces and advanced towards them. Drury endeavoured to persuade them both to retire; and to save the honour of each, proposed they should begin their retreat at the same instant, upon a signal that he, standing in the space between them, should give. But Morton, irritated by the boasts of his adversaries, instead of retiring, by a sudden and violent attack, broke them, and drove them towards the city. In the pursuit, and in entering the foot of the Canongate, through the narrow port called the *Water-Gate*, a considerable number were killed and made prisoners *. Among the latter was the lord Home, who was sent to the castle of Tantallon; but was soon after exchanged for the laird of Drumlanrig, who, on the way from Leith towards his own country, was made prisoner by Sir David Spence of Wormeston, a gentleman of the queen's party, who signalised himself, at this time, by many gallant exploits.

Crawford's Memoirs.

These fierce contests were carried on, not only by the sword, but also by acts and sentences of conventions, which either side called parliaments. The party of the king held a meeting of this kind in the Canongate, but within the liberties of the city; in consequence of a summons that had been issued for a parliament to meet at Edinburgh on the 14th of May. It was attended by a considerable number; and sat, notwithstanding the vicinity of the enemy and fire of the castle, for four days. In the following month a convention, much less frequent, was held within the city by authority of the queen. The business of both assemblies was to pass acts justifying their own conduct, and sentences of forfeiture against those of the adverse party. New meetings of the same kind were held in the end of August, one by the king's party at Stirling, where the infant prince was present; and the other, by a very small number of the queen's party, at Edinburgh. The continuance of strife having multiplied offences and heated resentments to an extreme pitch, the forfeitures decreed by these meetings were far more numerous than in the pre-

Crawf. Mem: p. 177.

* Crawford places this conflict on the 16th of June. It was afterwards, by the queen's party, called *Drury's peace*, or *Black Saturday*. Crawf. p. 193. This party alleged, that Drury betrayed them, by perfuading them to turn their backs; while their enemies, inftead of doing the fame, made a fierce and unexpected attack on them. Crawf. ib.

Elizabeth, Q. of England.

1571.

ceding. The Stirling parliament did also, in compliance with a request lately transmitted to the regent from Elizabeth, through Sir William Drury appoint commissioners to meet on the borders with such as the English queen should send thither, in order to treat of the differences that had lately arisen among the subjects of Scotland, and for contracting a league between the realms. A safe-conduct was also sent to Grange for some of his party to pass into England on the same errand; but an unexpected event put a sudden stop to these transactions, and embroiled still more the affairs of Scotland.

Spotiswood.

While the king's parliament sat at Stirling, the distance of their enemies, and the employment given them by the kings forces that were at Leith, threw them into a state of the most entire security. Of this the laird of Grange having intelligence, formed the project of surprising their quarters, and of seizing the persons of the chief of his adversaries. This bold enterprise was so well and happily conducted, that a body of five hundred men, who were employed in it, entering Stirling at day-break, got possession of the town without resistance, seized in their houses the regent, the earl of Morton, and nine other lords, and having put them on horses, were actually carrying them off. But an attack being made upon them, under the conduct of the earl of Mar, from the castle, while most of the private men were dispersed in search of booty, through all corners of the town, the victors were driven off in confusion; and being hotly pursued, were obliged to quit their prisoners, and seek their own safety in flight. Amid this disorder the regent was mortally wounded by captain Caulder of the queen's party, in spite of Sir David Spence of Wormeston, whose prisoner he was, and who fell a victim to the mistaken rage of some of the king's party, notwithstanding the intercession and remonstrances of the dying regent. One of the chief conductors of this enterprise was the laird of Buccleugh *, who was accompanied in it by his band of borderers. To them was partly owing the failure of the project, their passion for booty making them disperse in quest of it; but it was also owing to them that very little loss was sustained in the retreat; for they had emptied so entirely all the stables in the town, that there was not a horse to be found for pursuing the invaders, who must have otherwise become an easy prey. The high place vacated by the unexpected fall of Lennox, was supplied on the day following, by the election of the earl of Mer, a very popular nobleman in his room.

Melvill, p. 226, 227.

Sept. 3.

At the very time of this revolution in Scotland, the court of England were alarmed with a discovery that the duke of Norfolk was again engaged in corresponding and plotting with Mary; notwithstanding the solemn promise he had made to his own queen, on being dismissed from the Tower, that he would

* The principal leaders in this enterprise were, the earl of Huntley, lord Claud Hamilton, and Walter Scott of Buccleugh.

Sir James Melvill says, that Farniherst and his men were also engaged in it. But this account does not agree with the relations of the other historians, who say, that the party employed in this expedition, on their setting out in the evening from Edinburgh, spread a report, that they were going to Jedburgh, to compose a discord that had fallen out between the town and the laird of Farniherst. Spotiswood.

for

James VI. K. of Scotland. 1571.

for ever abandon all such courses. Mary, vexed at the failure of the negociation for her liberty, that had been carried on in the preceding winter, and having no hopes from the French court, where the queen-mother was always her enemy; had, by means of the Spanish ambassador, and Ridolphi, a Florentine merchant, who was the Pope's secret agent in England, entered into a correspondence with the duke of Alva, the king of Spain, and the Pope. The bishop of Ross was her principal director and agent in this correspondence, as also in that which she maintained with Norfolk; who, though he did not approve of many of the schemes of the unhappy queen, for regaining her liberty and crown was made privy to them all. There were also several other persons of the first rank, who were no strangers to these schemes *; and who, being committed to custody at the same time with the duke, did, in order to recommend themselves to Elizabeth's mercy, readily confess all they knew. But the chief evidences against the duke were, the testimony of Banister his lawyer, and of two of his domestics; the confession of the bishop of Ross, and certain papers, letters, and cyphers, that had come to him from the queen of Scots and the bishop of Ross. He underwent his trial, and was condemned by his peers, in the following January; but the queen delayed his execution, until his sentence had received the sanction of her commons assembled in parliament, in May; who, having besought her that public justice might have its course against so dangerous a criminal, he was, in the beginning of the following month, beheaded on Tower-hill; and by his death the interest of Mary in England received its fatal blow.

In Scotland the operations of the new regency began with an attempt to take Edinburgh; but this failing, the forces that were employed in it were obliged to retire to Leith; and in that neighbourhood the winter was spent in unimportant skirmishes. In the north, lord Adam Gordon, acting as lieutenant under his brother the earl of Huntley, had great successes; particularly against the Forbeses, who were zealously attached to the side of the king. These successes encouraged the queen's friends in other parts of the kingdom to exert themselves. The chief of this party, on the borders towards England, were the lairds of Farniherst and Buccleugh; who, about the end of January, having collected three thousand men, consisting of their own friends and dependents, and of a number of the banditti of the marches, English as well as Scots, attempted to reduce the town of Jedburgh; which, from the beginning of those strifes, had been on the side of the king. The regent sent to the aid of the town the lord Ruthven, with a small body of horsemen and musqueteers; which were joined by a few more from the neighbouring county of Mers. There had also come from Edinburgh to the other party in aid of one hundred and fifty chosen musqueteers. Buccleugh and Farniherst, informed of Ruthven's being at Dryburgh, moved very early in the morning towards Jedburgh to hinder him from entering it. The Jedburghers, at the same time, being joined by the laird of Cessford and his men, and knowing that Ruthven was coming up, marched forth to receive their enemies in the

A. D. 1572. Buchan. l. 20.

* Lords Arundel, Southampton, Lumley, Cobham, &c.

Elizabeth, Q. of England. 1572.

field. Ruthven, aware of the danger the place was in, marched with great expedition, and, before the little armies were engaged, appeared nigh the rear of his enemies, and began to annoy it. The latter dreading an attack on both sides, retired to some neighbouring fastnesses; and the banditti dispersing to their usual haunts, the chieftains, with their clients, and the company of foot that had come from Edinburgh, marched to Hawick. There Ruthven surprised them by a march through snow in the following night; and the company of foot, abandoned by the horse, were all made prisoners.

During these troubles, the queen of England ceased not from seeming endeavours to restore peace between the contending parties. For this purpose instructions were given to lord Hunsdon to treat with Grange and his company in the castle; and afterwards Randolph and Sir William Drury were sent into Scotland. But the dealings of the court of England in this matter were not candid; as by this time was sufficiently known to both parties. Elizabeth was also very sparing of her money, which, properly laid out, would, in these negociations, have been of mighty effect. Mean while Mary's party had great promises, and some small supplies of money and arms, from their foreign friends; which served to recruit their spirits, but added very little to their strength. By the continuance of mutual offences and severities, the animosity of the contending parties rose to such a height, that for almost two months, in the beginning of the summer, no quarter was given by either side.

Compl. Amb. p. 151, 152, 168.

Crawford. Spotiswood.

The queen of England had, for a considerable time past, been on bad terms with the king of Spain; and had greatly increased the resentment of that proud monarch, by ordering his ambassador to leave her kingdom, on account of the plots in which he had been detected with the Scottish queen and her friends. She had also cause to apprehend from the Pope, and the duke of Alva, all the mischief it was in her power to do her. To avoid or diminish these hazards, she began to cultivate a stricter friendship with the court of France, which was at that time jealous of Spain; and the king and queen-mother of France, by seeming to be in concord with England, sought to obtain the confidence of the Hugonots; proposing to employ this confidence for their destruction. These political motives were strengthened by the ambition of the queen-mother, who had been carrying on, for many months, a fruitless treaty for a match between Elizabeth and her second son the duke of Anjou. This friendly correspondence did, however, at length issue in the defensive treaty between the crowns of England and France; which, about the middle of April, was concluded and signed at Blois*. The article of this treaty that related to Scotland, was one of the most difficult to adjust. Elizabeth would not allow the name of the queen of Scots to be mentioned in the treaty; and the king of France did, in effect, by this treaty renounce her interests. For it was stipulated, that no innovation should be made in Scotland; that both princes should join in defending that kingdom against foreigners, whom they should not allow to enter it, or to support the Scottish

* This treaty is not published by Rymer.

factions;

factions; a right only being reserved to the queen of England of pursuing, with arms, all who afforded protection or support to the English rebels that were then in Scotland.

James VI. K. of Scotland, 1572.

By virtue of this treaty the English garrisons ought to have been withdrawn from the fortresses of Home and Fastcastle. But this not being done when the duke de Montmorency came over on a solemn embassy, about two months after, to receive the ratification of the treaty, the queen, before giving her oath, made a prostestation, that though the abovementioned fortresses were not restored, yet the fault was not in her; who had proposed the restitution of them both to lord Home and the regent. But the former expressed his desire that the queen should rather retain these places, than that they should furnish fresh fewel to the civil discords that already raged with so much violence. That it had been thereupon proposed to the regent, that the lord Home should have his castle, upon his acknowledging the king; which the lord Home offered in words, but the regent alleged, that this offer was only made with a view of recovering his fortresses, and that he would then return to assist those in the castle of Edinburgh; which allegation the queen had reason to think was well founded in truth. And with regard to Fastcastle, when this was seized by the English, it was held by lord Home, not as his own, but in quality of tutor to an infant, who had now come to age, and adhered to the party of the king. This protestation, joined to assurances which the English ambassador in France was ordered to give, in the name of his mistress, that she meant not to detain either the one or the other of these fortresses, seems for the present, to have satisfied the French court; although the continued detention of these places by the English, did afterwards occasion new remonstrances from that quarter. Comp. Amb. p. 214.

Soon after the conclusion of the treaty at Blois, the French king sent Le Croc, and the queen of England Sir William Drury, to be joint mediators in a peace between the contending parties in Scotland. These negociators found it difficult to deal with persons so much irritated against each other. They did, however, in the beginning of June, prevail with them to cease from the barbarous custom of giving no quarter; and, in the end of the following month, brought them to agree to a truce for two months; in the course of which, a convention of estates was to be held in order to settle a full agreement, and if a reconciliation could not be concluded, the matters in dispute were to be referred to the queen of England and the king of France: of this truce all were to enjoy the benefit, except the murderers of king Henry, and of the two regents, and the banditti of the Highlands and the borders. In particular, it was agreed, with regard to the latter, that neither party should seek an impunity for them, for trespasses committed against England; but that the offenders should be answerable for such trespasses, according to the laws of the marches. While this negociation was carrying on, a secret bargain was concluded between the court of England and the earl of Morton; in pursuance of which, the earl of Northumberland, who had remained prisoner at Lochlevin, ever since he was sent thither by the regent Murray, was given up to lord Hunsdon at Berwick. The court of England paid a high price for the

Elizabeth, Q. of England.

1572.

the delivery of this unfortunate earl; who soon after suffered as a rebel at York *.

(a) Sept. 27. Melvill, p. 233, &c. Crawf. p. 237, &c. Spotiſwood, p. 263, 264.

The convention of estates to be held according to to the truce, did not meet till two or three days before the term of its expiration (a); but immediately after their assembling, it was agreed that the truce should be prolonged to the first of January. To this convention certain articles were proposed by Grange and his associates in the castle; in the view of obtaining the best security they could, for the persons and estates of themselves and their friends. One of these articles was, that the fortresses of Home and Fastcastle, with their dependencies, should be restored to lord Home; also, that the abbey of Coldingham should be restored to its prior John Maitland, the brother of Lethington; and that the queen of England should engage to warrant those possessions to the persons mentioned. In the other articles it was proposed, that Grange should have a great sum allowed him for defraying the debt he had contracted in the wars†; and that his lands should no longer hold of Morton, but of the king; and that licence might be given him and his companions to repair to France, or to such places of Scotland as they should chuse. These demands being high, and at the same discovering a jealousy of Morton, were opposed by this earl and those of his party, who were by far the most numerous in the meeting; yet they were not absolutely rejected, but the farther consideration of them delayed, until the end of the following month, when a meeting for that purpose was appointed to be held at Perth. The mind of the regent being set on peace, which he hoped would have been concluded at this convention,

Oct. 29.

the disappointment afflicted him so deeply, that he died, as was generally believed, broken-hearted, about the end of the following month.

Nov. 15.

The horrid massacre of the Protestants lately committed in France, did greatly weaken the interest of the French court in Scotland, and at the same time much strengthened that of the English queen; who was justly considered by all the reformed, as their surest bulwark against the perfidy and cruelty of the Papists. The influence of England appeared, and was at the same time greatly increased, by the estates of Scotland conferring the regency on the earl of Morton, a man who had been long wholly devoted to the English court‡. The English ambassador Killigrew became now the mediator between

Spotiſwood p. 267, &c.

* It was ungrateful in Morton to forget his obligations to the earl of Northumberland, during his own exile in England.

The ſong in Dr. Percy's Collection makes Northumberland ſay,

When the regent was a baniſhed man
With me he did fair welcome find. Dr. Percy's Col. vol. i. p. 261.

This earl of Northumberland was ſucceeded by his brother Henry Percy, *in virtue* (ita Carte) of Philip and Mary's letters patent, May 1557, granting the earldom to Thomas and the heirs-male of his body, and in failure thereof to Henry, with the ſame limitation; the latter grant, being diſtinct from that, to his elder brother, and not affected by his attainder; though it could not take place till his deceaſe. Carte, vol. iii. p. 590.

† 20,000 merks.

‡ It is one of the inſtructions given by the eſtates to Morton, at his election, that he ſhould be careful to entertain the amity contracted with the queen of England. Spotiſwood, p. 267.

Morton

James VI. K. of Scotland.

Morton and his adversaries. Grange and his companions in the castle of Edinburgh still insisted on terms that Morton would not grant. And at the expiration of the truce, hostilities from the castle recommenced. These however did not hinder the meeting of a parliament at Edinburgh, in the end of January; where acts were made for maintaining the present form of government, and the true religion, which were considered as inseparably connected. In the mean time, a negociation was carrying on between the regent, and the duke of Chatelherault, and the earl of Huntley; who consented to treat apart from their friends in the castle. The result of this negociation was a treaty concluded the following month at Perth, wherein the interests of the exiled queen were abandoned by her principal friends; and, in consequence of their submmission of these to the authority now at present established, their resistance to it in time past was forgiven, and their former rights and possessions restored and secured. Some circumstances which the parties in this treaty did not fully settle, they referred to the decision of the English queen.

A. D. 1573.

Feb. 23. Crawf. p. 251.

As the lord Home was all this while in the castle of Edinburgh, united in counsels and actions with Grange and Lethington, the queen of England was thereby furnished with a good pretence, for detaining the fortresses of Home and Fastcastle. In the instructions given to the earl of Worcester going to the French court in January, to represent his mistress at the baptism of the French king's daughter, he was directed to inform that monarch, that the queen had hitherto kept at her own expence the castle of Home in the view of bridling both parties, and bringing them to an agreement; that to have delivered it to lord Home while in arms against the king, would have tended only to encourage him to be more obstinate in his resistance; that if she had delivered it to one of the king's party, it might have been difficult after the return of peace, to have procured the restitution of it to its natural lord; but that now she thought it best, that upon her delivering it to the king's party, assurance should be given by them to restore it to lord Home, on his submitting to the king as he had formerly done. In the same instructions the queen complained of the obstinacy of those in the castle, and of their insolent contempt of herself and the French king, in paying no regard to the great pains taken by these monarchs to reconcile them with their fellow-subjects. She complains also of the injuries done to her subjects by the outlaws and thieves on the borders; against whom no redress could be obtained by reason, of the continuance of the civil troubles in Scotland, the one or other party being always ready to protect offenders. When the queen's purpose of delivering Home-castle to one of the king's party was some time after more plainly intimated to the French king by the English ambassador, that king observed, that though the league did not expressly mention that the castle of Home should be restored to its lord, yet *that* was its meaning; and that he would rather that the queen should retain it, than that it should be delivered to the hands of any other. And upon his adding, that he would advise about the matter with his council; the ambassador told him, agreeably to the instructions brought over by Worcester, that the queen would capitulate with those

Comb. Amb. p. 320, 321.

Ib. p. 324, 329.

Elizabeth, Q. of England. 1573.

those to whom it should be delivered, to restore it to lord Home, upon this lord's submitting to the king's authority.

Grange and his friends in the castle were now the only open enemies to the king and regent. The articles of the treaty at Perth were carried to them by the English ambassador; but neither his persuasions, nor those of their best friends in the king's party, could engage them to accept of these articles, and lay down their arms. Grange was the most celebrated warrior, Lethington the wisest politician of their age and country. They trusted to their talents and past good fortune, and still flattered themselves with the hopes of aid from France and Spain. But, besides that, their cause was now too evidently desperate. France was engaged in the tedious and destructive siege of Rochelle, and the duke of Alva distressed by the enemies his own cruelties had created him in the low countries. In these circumstances the queen of England was formidable to both France and Spain, and both were actually courting her friendship. It was prudent in Morton, and his good ally, Elizabeth, to embrace so favourable a season for giving the last blow to the power of their adversaries in Scotland; and Morton, destitute of the means of reducing by force a place of so great strength as Edinburgh castle, readily obtained from the English queen a body of troops, and a train of artillery to be employed in that service, which were sent from Berwick in April, under the command of Sir William Drury.

Crawford. Spotiſwood.

Spotiſw. p. 270. Crawford.

Previous to the march of the English forces, the lord Ruthven was deputed from the Scottish regent, and met with Drury in the church of Lamberton, at a small distance from the bounds of Berwick; and there agreed on the order and conditions to be observed in this expedition. Besides settling the manner of disposing of persons and things that should be found in the castle, it was agreed, that the regent should furnish the English with all necessaries, and join to them a sufficient body of horse and foot; that the wives or nearest relations of the English killed in the siege, should have a reasonable gratuity, at the discretion of the English general; that any of the great guns damaged in the service, should be replaced by pieces out of the castle of the same size and metal; that the English general should not fortify on Scottish ground, without permission of the regent; that on the castle being taken, he should retire immediately with his forces and artillery; and lastly, that for the safe return of the English soldiers, the chances of war excepted, the Scots should deliver certain noblemen's sons as hostages, to be detained in Berwick, or other places nearest to Scotland, until the end of the expedition.

Camden. Spotiſwood. Crawford. Holingſhed. Holingſhed's Sc. Chr. p. 412. April 26.

As soon as the hostages * were delivered at Berwick, Drury marched into Scotland at the head of one thousand five hundred men. The artillery, among which are said to have been nine great culverins that were taken from the Scots on the field of Flodden, and other necessaries for the expedition, were sent round by sea. Grange and his companions refusing a summons to surrender, though accompanied with the offer of their lives, a regular siege

* Theſe hoſtages were, the maſters of Ruthven and Semple, John Cunningham, ſon to the earl of Glencairn, and Douglas of Kilſpendie.

was

James VI. K. of Scotland. 1573.

was begun, five batteries erected *; and after a firing of eight or nine days, practicable breaches were made †. An assault being then given, a lodgment was made in one of the bulwarks; by this time also the small garrison were exhausted with watching and fatigue, and in great scarcity of water. These circumstances brought Grange to a parley; the regent refusing any other terms than a surrender at discretion, Grange did at last, with the advice of Lethington, resolve to make this surrender to Drury, as lieutenant to the English queen; submitting to her pleasure the disposal of himself and his friends. Although Drury could not, consistently with the convention at Lamberton, make any composition with the besieged without the regent's consent, yet the circumstances of the surrender, determined him to carry Grange and the other chief persons to his own quarters, and to keep them there until he received orders from the queen of England how to dispose of them. These orders were soon sent, and required him to deliver them all up to the regent. It is related by some, that he obeyed with reluctance, and marched back to Berwick, much displeased with the queen's putting into the hands of their deadly foe, persons who had delivered themselves up to him in hopes of mercy; and complaining of Morton, and the English ambassador Killigrew, who had frustrated his intercessions for them ‡. Lethington and Grange finished soon after their career of ambition; the former by a dose of poison in his place of confinement at Leith, and the latter by a public execution in the high-street of Edinburgh; his brother and two goldsmiths suffering along with him. The other prisoners had their lives spared; those of rank being confined in places of strength. The most considerable of them, and indeed the only nobleman amongst them, was the lord Home, who was detained in the castle, where not long after he ended his life §.

May 29.

June 16. Stowe.

August 2.

The

* These batteries were raised on the ground where Herriot's hospital is now built, and were called by the names of the chief commanders: 1. King's Mount. 2. Mount Drury. 3. Mount Lee. 4. Mount Carey, from Sir George Carey. 5. Mount Sutton, from Thomas Sutton master of the ordnance at Berwick. Holings. and Godsc.

† Melvill says, that several of the captains of Berwick went up to the castle by the breach beat down in the fore wall by the cannons, that they might say, they had won the Maiden-castle. Melvill, p. 243.

‡ If Drury complained, as Melvill and Crawford's author positively relate, this seems to have been the ground of it; for, by the convention referred to, it is plain, he had no power without the regent's consent, to engage, as Melvill pretends he did, that the besieged should come forth with their arms, bag and baggage, and have their estates restored. Melvill writes from memory, and was biassed in favour of Grange, who was his nephew; so that his account of this transaction is in several respects erroneous. Yet what he says of Drury's discontent may in general be true. He adds, that Drury, considering himself as dishonoured, would serve no longer at Berwick; and indeed, in the month following this transaction, Sir Valentine Brown appears in Drury's place, in the council-book of that garrison. MSS. Council-Book in Archives of Berwick.

It is strange, that Carte makes no mention of the convention at Lamberton, though both in Spotiswood and Crawford.

§ Melvill ascribes the preservation of lord Home's life, to the regent's dread of Alexander Home of Manderston, Coldenknows, the goodman of North-Berwick, and others of the name, who were open and loud in their menaces of vengeance. Camden says, that the sparing of Home and the rest, was owing to the interceſſion of the English queen, who, on that account, was praised for her clemency. Carte, from Fenelon's dispatches, relates, that lord Home paying Morton 10,000*l.*

Elizabeth, Q. of England.

1573. Spotſw. p. 272.

The regent being now established in the undisturbed possession of the supreme authority, maintained and exerted it with great vigour. One of his first cares was, to put an end to the disorders that had prevailed on the marches during the late troubles, and which had given just occasion to frequent complaints from the court of England. To oblige this court, to whom he owed so much, he visited in person the scene of these disorders, met with Sir John Forrester, the English warden of the middle march; and in concert with him, took the most effectual measures to redress past, and prevent future injuries. He compelled the heads of the principal families to deliver pledges for their good behaviour, and appointed wardens in whom he could confide. These were, Sir James Home of Cowdenknows for the eastern; Sir John Carmichael, one of his principal ministers, for the middle; and lord Maxwell for the western marches.

A. D. 1574.

The interest of the exiled queen was still farther weakened in the following year, by the death of Charles IX. of France, whose fondness for Mary would have had more conspicuous effects, had it not been thwarted by the aversion of his mother to that princess, and had he not been almost continually employed at home by his wars with the Hugonots. His successor Henry III. from his hatred to the house of Guise, did also hate Mary; and her interest, arising from her connexion with that potent house, was greatly weakened by the death of the cardinal of Lorrain, which happened before the expiration of the year.

A. D. 1575.

Notwithstanding the circumstances above related, which all tended to preserve peace between the neighbouring nations, this peace was in hazard of being broken in the summer of the year following. At a meeting held in the accustomed time and manner, at a hill called the *Red Swire*, on the middle march between the kingdoms, Sir John Forrester warden of that march on the side of England, who was then also governor of Berwick *, and Sir John Carmichael, warden of the opposite march in Scotland, were employed in the ordinary business of hearing causes and redressing wrongs. In the progress of this work, an Englishman, who had been convicted of theft, and was a notorious offender †, was demanded by the Scottish warden to be delivered up, according to the law of the marches, to be the prisoner of the owner of the goods stolen, until satisfaction should be made for them. This delivery being excused for the present by Forrester, on some pretence that did not satisfy Carmichael, he entered into expostulations with Forrester; who being thereby provoked, behaved haughtily, and gave signs of resentment apparent to all around him. This was sufficient incitement to some of his attendants to attack

July 7. Godſ. p. 252. Spotſw. p. 274. Camden. Crawford.

10 000*l.* was put in poſſeſſion of Home and Faſt-caſtle. Elizabeth muſt therefore have put theſe caſtles into the hands of Morton. But how doth this accord with Home's being detained in the caſtle of Edinburgh until his death?

* In a minute of council dated at Berwick 12th of February, the title is, before Sir John Forreſter knight, having the preſent government here, and before the reſidue of the council here. And on Saturday the 24th of July, he alſo appears at the head of the council, with the title of the Right Worſhipful Sir John Forreſter knight, lord warden of the middle marches of England againſt Scotland. Berwick Archives. Probably he had a deputation from lord Hunſdon.

† Godſcroft calls him Farnſtein; *who had been ſued by a bill, of goods ſtolen from Scotland.*

those

James VI. K. of Scotland. 1575.

those of the other side; which they did by a flight of arrows that killed one Scotchman, and wounded several others *. The Scots by this unexpected assault, were driven off the field; but being met in their flight by some Jedburgh-men, who were coming to attend the warden, they were encouraged to turn back on their enemies; which they did with so much vigour, that they put them to an entire rout. In this rencounter, Sir George Heron, keeper of Tindale and Ridsdale, a man much esteemed in both realms, was slain, together with twenty-four of his countrymen. The English warden himself, his son-in-law, Francis Russel son to the earl of Bedford, Cuthbert Colinwood, James Ogle, Henry Fenwick, and several others, were taken prisoners. Being carried to Morton at Dalkeith, they were treated with the greatest humanity; but he detained them a few days, in order to give time to their resentment to subside, which might in its first fury have been the occasion of greater mischiefs. He also required them to subscribe engagements to make their appearance in Scotland at a certain day, and then dismissed them with great expressions of regard.

Camden. Godscroft. Murdin's State Papers, p. 286. Dugd. Eng. Peer.

The queen of England, when informed of these proceedings, was very much incensed, and sent orders to her ambassador Killigrew, who had a little before gone to Scotland †, to demand immediate satisfaction for so great an outrage. Killigrew was also directed to inform the regent, that the queen had ordered the earl of Huntingdon, who was then president of the council at York, and lieutenant of the northern counties, to repair to the borders for the trial and ordering of this matter; and that she expected that Morton would meet with him in person, for that effect. Morton, ever studious to gratify Elizabeth, readily agreed to the proposal. The two earls accordingly met at Fouldean near the Berwick boundary ‡, and continued their conferences there for some days, in the course of which, Morton made such concessions, and agreed to such conditions of redress, as entirely healed the offence. Carmichael, who was considered as the principal offender, was sent as a prisoner into England, and detained a few weeks at York; but the English court being now convinced that Forrester had been in the wrong in the beginning of the fray, the Scottish warden was dismissed with honour, and gratified with a

* The Engliſh bowmen, ſays Godſcroft, were chiefly of Tindale. The Scots that fell in this ſkirmiſh, according to Crawford, were the laird of Mow and three private men.

† That Killigrew had been ſent down to Scotland a little before this diſturbance on the borders, is evident from a memorial of occurrences in Scotland, publiſhed by Murdin, which, though it has no name, plainly appears to have been written by Killigrew. In this memorial, Killigrew mentions the lord Home, and others, making application to him to intercede for them, with the regent; and that his anſwer to them was, that the queen pitied them, and had inſtructed him to deal with the regent concerning them; but that this late accident had hindered him from following any part of his firſt inſtructions, until the regent had ſatisfied the queen with regard to it. He adds afterwards, that lord Home, being in deſpair to obtain any relief from the regent, had ſolicited him (Killigrew) to uſe his intereſt with the queen to give him a penſion for his ſuſtenance. Then he ſays, that he thinks the man will not live long, being conſumed with ſickneſs.

‡ The Scottiſh writers ſay, they met at Fouldean. Camden ſays, it was at the bound-road on the very limit between the kingdoms. The regent lodged at Langton, about eight miles weſt from Fouldean, and went from his lodging every morning to the meeting. (Killigrew's Memorial above quoted.) The earl of Huntingdon probably reſided in Berwick.

Elizabeth, Q. of England.

1575.

present to effectuate the restitution of goods which Morton had engaged should be made by the subjects of Scotland, he summoned all on this side of the Forth, to attend him with twenty days provision of victuals, in an expedition to the borders; but this summons sufficed to awe the offenders to make, of themselves, the restitution required.

On occasion of this disturbance, lord Hundson had come down to attend his goverment of Berwick, and was residing there while the conferences were held between Huntingdon and the Scottish regent. Perhaps the joint attention of the two English lords to the state of Berwick, at that time, may have given rise to a new establishment and order, relating to the garrison of that town; the regulations introduced by which, took place from the Michaelmas of the present year; and an account of them is subjoined in a note *.

MSS. in Berwick Archives, and in the duke of Northumberland's library at Alnwick-caſtle.

No

* Their date is the 20th of June, in the year following, at which time they probably received the royal ſanction.

By theſe regulations the number of the garriſon was diminiſhed, and at the ſame time, an augmentation made in the pay of ſeveral of its conſtituent members, eſpecially of the principal officers, with a view perhaps to engage them to attend their poſts better than they uſually did. The chief part of the garriſon was to conſiſt of eight companies of muſqueteers, two of them containing one hundred, and the remaining ſix fifty men each. The pay of the private men eightpence a day, of the captains of the larger companies four ſhillings, and of the leſſer two ſhillings. There were eighty horſemen under the command of eight conſtables. The horſemen had fourpence a day added to their former pay of 6*l.* 13*s.* 4*d.* *per ann.* Four of the conſtables had the ſame addition made to their former pay of 10*l.* *per ann.* and the remaining four to their yearly pay of 8*l.* One of the moſt conſiderable changes made by this new eſtabliſhment, was the augmentation of the number of gunners for the great ordnance, which was increaſed from twenty eight to ſixty. This body had now appointed for officers, a maſter gunner, a mate, and four quarter-maſters. The whole eſtabliſhment of the artillery-men coſt annually about 860*l.* and it was under the direction of the maſter of the ordnance at Berwick, and in the northern parts. The following appointments were made to the principal officers for themſelves and attendants.

To the lord governor for himſelf 133*l.* 6*s.* 8*d.* one chaplain 13*l.* 6*s.* 8*d.* one ſecretary 13*l.* 6*s.* 8*d.* forty houſehold ſervants at 6*l.* 13*s.* 4*d.* *per ann.* each, 266*l.* 13*s.* 4*d.* eſpecial money *per ann.* 40*l.* and a reward given by the queen's majeſty, in conſideration of his barony. In all *per ann* 666*l.* 13*s.* 4*d.*

To the marſhal for himſelf 33*l.* 6*s.* 8*d.* *per ann.* one under-marſhal 16*l.* twenty horſemen at 6*l.* 13*s.* 4*d.* each, 133*l.* 6*s.* 8*d.* two tipſtaffs at 10*6s.* 8*d.* each, 10*l.* 13*s.* 4*d.* and for an increaſe of pay given by the queen's majeſty 66*l.* 13*s.* 4*d.* In all *per ann.* 260*l.*

To the treaſurer for himſelf 20*l.* *per ann.* two clerks 13*l.* 6*s.* 8*d.* each, *per ann.* 26*l.* 13*s.* 4*d.* twenty horſemen 6*l.* 13*s.* 4*d.* each, *per ann.* 133*l.* 6*s.* 8*d.* and for an increaſe given by her majeſty 80*l.* In all *per ann.* 260*l.*

To the gentleman porter for himſelf 20*l.* *per ann.* ſix horſemen at 6*l.* 13*s.* 4*d.* each, *per ann.* 40*l.* fourteen footmen at 10*6s.* 8*d.* each, *per ann.* 74*l.* 13*s.* 4*d.* and for an increaſe given by her majeſty of 50*l.* *per ann.* In all *per ann.* 184*l.* 13*s.* 4*d.*

To the chamberlain for himſelf 20*l.* *per ann.* and twelve ſoldiers, *viz.* four at 6*l.* 13*s.* 4*d.* each, *per ann.* 26*l.* 13*s.* 4*d.* and eight at 6*l.* *per ann.* each, 48*l.* In all *per ann.* 94*l.* 13*s.* 4*d.*

To the maſter of the ordnance of the northern parts for himſelf 5*s.* a day, 91*l.* 5*s.* one clerk at 12*d.* a day, 18*l.* 5*s.* two ſervants at 6*d.* a day, 18*l.* 5*s.* and two labourers at 6*d.* a day, 18*l.* 5*s.* Total amount 146*l.*

The governor of Berwick, at the time of this eſtabliſhment, was Henry lord of Hunſdon; the officers who commanded the garriſon under him, and compoſed the governor's council were, Sir Robert Conſtable knight, high marſhal, Robert Bowes, eſq. treaſurer, John Selby, eſq. chief porter, Sir Francis Ruſſel knight, chamberlain; Thomas Sutton, eſq. maſter of the ordnance.

By

No mention is made by the historians of either kingdom, of any disturbance happening on the borders, during the remainder of Morton's regency. But the duration of this, fell far short of the king's attaining the age of eighteen, which was the period assigned it, when Morton received his charge. A people so habituated to license as the Scots, could not have been long content with the best administration; but Morton being haughty, arbitrary and in many instances rapacious, became universally unpopular, and alienated from him his best friends. He thought himself secure in the protection of the queen of England, and she indeed was ever at hand, to assist him effectually in maintaining his power over the parts of Scotland that lay next her kingdom. But her aid was of much less avail against the northern chieftains. Two of the chief of these, Argyle and Athol, after having been at strife between themselves, united against Morton as a common enemy; though his only crime with regard to them, seems to have been his endeavouring to make them obedient to the laws. These two noblemen came to the king not yet twelve years old, at Stirling where his keepers were Morton's enemies, and were joined by so great a number of the other nobles, who preferred the government of a boy, to that of the hated and envied regent, that Morton thought it better to resign his office, retiring quietly with his gains, and as ample a discharge as he himself could frame, than to enter the lists against enemies so fierce and numerous, and to whom he was able to oppose so small a force of real friends. He had, not long before this revolution appointed his nephew the earl of Angus to be lieutenant for the king on the marches, in order to keep peace more effectually there. But this commission was taken from Angus, soon after his uncle ceased to be regent. It was, not long after, given to the lord Ruthven, who exercised it with applause, in quelling disturbances on the western border.

James VI. K. of Scotland. 1575.

Spotiſwood. Crawford.

A. D. 1578. March 12.

Spotiſwood.

Morton's enemies had been so much accustomed to stand in awe of him, and thought they had gained so great a point in divesting him of the supreme authority, that they easily consented to his retiring, without compelling him to give a strict account of his administration. But the complaints of some, who pretended to be his friends, on account of his quitting the reins so hastily,

Spotiſwood. Calderwood.

By this eſtabliſhment there was an appointment to the mayor of the town of 10*l. per ann.* to the cuſtomer 10*l.* and to the comptroller of the cuſtoms 5*l.* The maſter of the ordnance had under his charge more than twenty artificers employed in works of different kinds, for the ſervice of the garriſon; among theſe, was one bowyer or bow-maker, one fletcher (flecheur) or maker of arrows, and one maſter wheeler.

The whole number of men of all kinds, provided with pay by theſe orders, was nine hundred and eighty; and the ſum total of their annual expence 12734*l.* 19*s.* 2*d.*

With this eſtabliſhment for the garriſon of Berwick, was joined the appointments for the keeping of the neighbouring march and fortreſſes in that quarter. From theſe we learn, that the ſalary of lord Hunſdon, as warden of the eaſt marches, was 400*l.* and that 20*l.* was paid to two deputy-wardens, and 4*l.* to two land ſerjeants. We farther learn, that the keeping of the fortreſſes in the Holy and Fearn Iſlands, was granted by patent for life to Sir William Read, with the annual ſalary of 362*l.* 17*s.* 6*d.* and that in the caſtle of Wark were paid four gunners, which coſt annually 57*l.* 15*s.* 10*d.* The keeping of Tinmouth caſtle, we are informed, was in the hands of the earl of Northumberland for life, by letters patent, with the ſalary of 27*l.* 16*s.* 8*d.* The whole amount of all the articles in this eſtabliſhment, is 13430*l.* 4*s.* 2*d.*

and

Elizabeth, Q. of England. 1578. July 25.

and his own inveterate habits of ambition, soon brought him forth from his retreat; and he had the address, without recovering the dignity and authority of the regent, to obtain the first place in the council of the young monarch, and to become master of his person in the castle of Stirling. A parliament was held in this place*, which confirmed the king's acceptation of the government, and at the same time gave Morton a discharge for his administration. The earls of Argyle, Athol, Montrose, and others, refused to attend this parliament; protesting, that it could not be free, while the place in which it met, was in the power of Morton. They also charged him with depriving the king of his liberty; and issued proclamations in their sovereign's name, requiring all his subjects to assemble in arms for effecting his deliverance. Considerable numbers having joined them, and particularly many of the inhabitants of Edinburgh, whom Morton had offended by certain severities, they set out from the last mentioned city towards Stirling, and were met at Falkirk by a body of forces commanded by the earl of Angus, as lieutenant for the king; and a battle would have ensued, had not Sir Robert Bowes, the English ambassador, going between the armies, brought the contending nobles to a reconciliation. By the first article of the convention between them, it was agreed, that all the forces on both sides should be dismissed, excepting a few horse, who should be retained on the king's charges, and employed for quieting the borders.

Camden. Auguſt 14. Spotiſw. p. 287.

Spotiſwood. A. D. 1579.

Soon after, the opposite factions of the nobles were brought to a conference at Stirling, and with much difficulty prevailed with to profess a thorough reconciliation. Morton employed the ascendant he still possessed in the council, to destroy his ancient rivals and enemies the Hamiltons; who were forfeited, for the share they had in the deaths of the regents Murray and Lennox. But this was the last considerable exertion of his power; a rival unexpectedly appearing, who quickly gained a dominion over the king's heart that produced Morton's destruction. This favourite was Esme Steward lord D'Aubigny, cousin german to the king's father. He was born and educated in France, and coming over to Scotland, on pretence of visiting the king, did soon captivate his affections, by his agreeable person and pleasing manners. D'Aubigny's grand uncle the bishop of Caithness, was at this time possessed of the earldom of Lennox. To enable the king to gratify his favourite, by conferring upon him a dignity to which he was so nearly allied, at the king's desire the bishop resigned his earldom, and was created earl of March, a title which had been long dormant, and was on this occasion revived. The person

Spotiſw. p. 308, &c.

* Godſcroft ſays, that lord Hôme was reſtored from his forfeiture in this parliament; but there is no mention of this reſtitution either in the printed acts, or in the titles of the unprinted. This reſtitution the ſame author aſcribes to the intereſt and procurement of Sir George Home of Wedderburn, who obtained Morton's conſent to it. Wedderburn was nearly related to the family of Angus, and Morton as a friend adviſed him againſt proſecuting this reſtitution of his chief; to whoſe houſe, if taken out of the way, that of Wedderburn was the next in ſucceſſion.' But Wedderburn rejected the ſuggeſtion, declaring, "that whatever were the carriage of the houſe of "Home to him, he would do his duty to them, and if his chief ſhould turn him out of the fore "door, he would come in again at the back door." The wardenry of the eaſt-march, was, at this parliament, taken from Coldenknows and given to Wedderburn.

next in the king's favour, was captain James Stewart, a son of lord Ochiltry; who afterwards received the title of earl of Arran. A great cry soon arose among the clergy and people against Lennox, as being a papist sent over by the court of France, to corrupt the principles of the young king, and subvert the reformed religion; and these clamours were not silenced, by Lennox professing himself, in the most solemn manner, a convert to the protestant faith. The other favourite, Stewart, had made himself very unpopular by his profligacy and contempt of religion. Morton and his party did what they could, to promote the suspicions and odium conceived against two such dangerous rivals. While they, on the other hand, spread reports that Morton was plotting to put the king into the hands of the English queen. These reports gave occasion to the establishment of a band of noblemen's sons, for the defence of the king's person, and to the promotion of Lennox to the dignity of high-chamberlain, to whose office the command of these new attendants of the king belonged. The English court grew so jealous of the exorbitant power of this favourite, that Mr Robert Bowes, treasurer of Berwick, was sent ambassador, to warn the king and his council of the dangerous consequences to be apprehended from it. Bowes, on being admitted into the council, requested that Lennox might for a while be removed out of it, which was absolutely refused. The council, on the other hand, required him to produce his instructions for making so unusual a request; but this the ambassador would not do, unless to the king, and one or two besides *. On advertising his court of the behaviour of the Scottish counsellors, Bowes was immediately recalled, and bade the king an unexpected farewel, complaining of the small regard that was paid to the friendly warnings of his mistress. The Scottish council alarmed with Bowes's sudden departure, sent Alexander Home of North Berwick, to the English queen, to excuse their treatment of her ambassador; and to receive from her that friendly intelligence and advice which Bowes had professed to bring†. The queen would not admit Home to her presence, but remitted him to her treasurer Burleigh, who declared to him very plainly, the suspicions the queen entertained of Lennox, and the dangers arising from the power of this favourite to the king's person, the protestant religion, and the peace between the kingdoms.

James VI. K. of Scotland. 1579.

Camden.

These proceedings of the court of England being all ascribed to the secret advice and influence of Morton, a resolution was formed to destroy him. For this purpose captain James Stewart accused him, in presence of the king's council, of being an accomplice in the murder of the king's father. Morton,

A. D. 1580. Dec. 31. Spotswood. Camden.

* Moyses relates this transaction as follows: That Bowes on the 2d of September, coming from the queen of England, after audience of the king, presented to his highness and council, a general letter closed, bearing his credentials; but he refused to open up his commission to his majesty, or to his council, either by word or writ, until Esme earl of Lennox was removed out of council; which desire his Majesty and council not finding reasonable, they would in no wise consent to the removing of the said earl; but a like general answer was wrote thereto, which accordingly was sent by the same ambassador to the queen, and so he remained until her majesty should give an answer and new directions.

† According to Moyses, part of Alexander Home's commission was to desire the queen's aid, for the suppression of the disorderly persons on the border. Moyses, p. 46.

upon

Elizabeth, Q. of England.

A. D. 1581. Jan. 18.

upon this charge, was committed a prisoner, first to the castle of Edinburgh, and soon after, for greater security, was conveyed to the castle of Dunbarton *, of which Lennox had been appointed governor. The queen of England made considerable efforts to save her old and useful friend. She dispatched Randolph, who had served her so often in Scotland, to intercede for Morton, and to remonstrate against the councils and measures of Lennox. Such remonstrances he delivered with great boldness, before a convention of the nobility and estates; where, among other proofs of the tendency of Lennox's measures to break the peace between the kingdoms, he took particular notice of the neglect of administering justice on the borders †. The representations, and even menaces of Randolph, meeting with no regard from the states of council, he tried to engage a party of the nobles, to endeavour by open force to rescue Morton, and to take the king out of the hands of his favourites. To encourage and aid this enterprise, a considerable body of English forces were sent to Berwick and the borders ‡. But Lennox and Arran, whose inexperience perhaps made them the less apprehensive of danger §, boldly issued royal proclamations, commanding all the Scottish subjects to be in readiness to oppose the threatened invasion; and also levied a body of mercenaries, for defence of the king's person against any sudden assault. They likewise discovered and broke a combination of nobles, that had been formed by Randolph's management. This bold and busy minister had excited so vehement a resentment in the reigning party against him, that his public character was no longer able to protect him. After being openly insulted in libels, and having had a gun fired into his chamber-window, he made a hasty retreat to Berwick. The earls of Mar and Angus, the only two of the Scottish nobles who continued to act in concert with Randolph for Morton's relief, accompanied, or soon followed him, in his flight. Sir John Seaton, master of the horse to the Scottish king, was dispatched to the court of England, to complain of Randolph's conduct, and the marching of forces to the borders in time of peace. But having come to Berwick he was not suffered to proceed farther; and after staying some days in that place returned. Morton's cause, however, being now given up as desperate, the English forces were recalled from the borders ‖. Their appearance there had given occasion to Morton's enemies to

Feb. 27: Strype, vol. ii. p. 621. Moyſes, p. 48.

Randolph's letter in Strype vol. ii. p. 138.

* He was guarded by the earl of Glencairn, the lord Seaton, the lord Robert Stewart feuar of Orkney, (a natural ſon of James V.) and their houſehold; alſo by the tutor of Caſſils, the lairds of Bargeny, Lochinvar, Coldenknows, and Alexander Home of Manderſton, and two hundred hackbuts furniſhed by the town of Edinburgh. Moyſes, p. 47.

† At this convention the lieutenancy of the borders was conferred on the earl of Montroſe, who had a guard of mercenaries appointed to attend him in the execution of that office, of two hundred foot and five hundred horſe; for the payment of which, a tax of 40,000*l.* Scottiſh currency was impoſed on the kingdom. Moyſ. Mem. p 50. He alſo defired ſeveral other charges to be borne to him, together with the aſſiſtance of the noblemen and barons dwelling within the bounds of his lieutenancy. Ib.

‡ Melvill calls them ſeventeen companies. P. 254.

§ Melvill ſays, that theſe *two young counſellors knew of no perils.* P. 254.

‖ Carte ſays, but without quoting his authority, that an Engliſh army, under the earl of Huntingdon and lord Hunſdon, lay ready on the frontiers to enter Scotland; but theſe generals, upon the preparations in Scotland, thought fit to ſtop at Berwick, and diſperſe their forces in Northumberland. Carte, vol. iii. p. 563.

collect

collect a more numerous band of mercenaries, than they could otherwise have had any pretence for raising *. These mercenaries they now employed to guard Morton from Dunbarton to Edinburgh; where, by an assize of his peers, he was found guilty of the treason laid to his charge; and on the day after his condemnation, was beheaded at the cross of Edinburgh.

James VI. K. of Scotland. 1581. June 2.

The apprehension and imprisonment of Morton, probably gave occasion to a bill in the English parliament, that met soon after, for fortifying the borders towards Scotland †. The affairs of Scotland were always interesting to the English court; but Elizabeth was at this time taken up with other great objects. The king of Spain had grown more formidable than ever, by the easy conquest he had made of Portugal in the preceding year. His forces in the Low Countries were now commanded by the duke of Parma, the greatest general of the age. It therefore became necessary for Elizabeth to give effectual support to the states of the Low Countries, who were combined against the Spanish tyranny; and with whom she had entered into a league three years before. About this time also the duke of Anjou, who had been heir to the crown of France, since the accession of his brother to that crown in 1574, renewed his often interrupted courtship; with the concurrence of his brother, and the greatest appearance of a favourable disposition on the part of Elizabeth. But whatever part the queen's coquetry or passion had in this affair, it seems evident, that the principal view of herself and wise counsellors, was the cultivation of an useful friendship with France, and the obtaining of an effectual aid from that kingdom to support the estates of the Low Countries. These provinces had conferred the sovereignty of their country, and the chief command of their forces, upon the queen's lover; but the court of France, disappointed in their prospect of bringing the States to a dependence on themselves, ceased to give Anjou the assistance he stood in need of. This failure concurring with his own indiscretion and ambition, soon obliged him to make a disgraceful retreat from Flanders; and the distress arising from his disappointments, was believed to have shortened his days.

Parl. Hist. p. 235. March 15.

It is probable, that the good understanding between the courts of France and England, during the negociation of this marriage, which had for many months the appearance of being serious on both sides, made the court of England the less solicitous about the ascendant maintained by Lennox and Arran in the government of Scotland; which, after the death of Morton, was very absolute. Lennox was advanced to the dignity of a duke, and Arran confirmed in his earldom, with the precedency annexed to that dignity, while

* Moyses says, there were nine hundred waged men, on foot and horse, under the command of captains. Moyf. p. 50.

† A bill for this effect was first passed by the lords, and sent down to the commons. But the latter prefering a draught of their own, which they sent up to the lords, and returning with it the bill that had come to them from that house, the lords disapproved of this conduct of the commons, and ordered their dissatisfaction with it to be recorded in their books. How this discord was removed doth not appear; but the bill of the commons, after receiving some amendments from the lords, passed this house, March 15, the commons having approved of the amendments. Parl. Hist. p. 235. D'Ewe's Journal, p. 305, 273.

Elizabeth, Q. of England.

A. D. 1582. August 22. Spotiswood.

it was in the house of Hamilton. But the extreme ambition and avarice of these favourites, and their arbitrary measures in matters both of church and state, soon wrought their fall. A combination of the offended nobles detained the king at Ruthven, as he was on his return from hunting in the Highlands. His favourites, secure of their power, by neglecting to accompany him, suffered him to fall into the hands of their enemies. Arran had the boldness, on learning what had happened, to go to the castle where the king was confined; but instead of being admitted to his master's presence, was himself committed to custody. Lennox, though of a much better character than Arran, yet could not be borne; on account of the suspicion of his religion, and his connexions with foreign catholics and the friends of the exiled queen. The king, though greatly reluctant, was obliged to issue strict orders for his leaving Scotland, and returning to France. After several delays and vain efforts to see his master, he set out, in the middle of winter, from Dunbarton to Berwick; from whence he passed through England, in his way to France. In the summer following he died at Paris, professing himself a protestant; of which the Scottish king was very careful to inform his subjects.

The king was not only thus separated from his favourites, but was obliged to declare his approbation of the measures taken by their enemies to effect this separation. These measures also received the sanction of an assembly of the church, and of a convention of estates. Queen Elizabeth, soon after she was apprised of the revolution in the Scottish court, sent Sir Henry Cary, a son of lord Hunsdon, and Mr Robert Bowes, to reconcile the king's mind to it. These ambassadors did likewise intercede for the restoration of the earl of Angus; who had been an exile in England since the death of the earl of Morton. Angus, informed of the intended enterprise to seize the king, had come to Berwick to wait the event. On hearing that this was according to his wish, he came into the Mers, and lodged for some time at a gentleman's house adjacent to his estate in that county. And the English ambassadors having easily prevailed with the king to pardon him, he soon after repaired to court, and was graciously received.

Godf. p. 367.

A. D. 1583. Camden. Spotiswood. Murd. p. 372.

In the beginning of the following year, two ambassadors arrived in Scotland from France, and two also from England *. The two former were commissioned to endeavour to free the king from the restraint he was under, to propose the association of his mother with him in the government, and to signify her consent to this association. The business of the English ambassadors was chiefly to observe and thwart the measures of the French. The duke of Lennox had been a great promoter of the design of restoring Mary to liberty, and associating her in the government with her son; and the queen of England pretended, for some time, to listen to proposals of this nature. But from the time the reins of government were taken out of Lennox's hands,

* The French ambaſſadors were, La Motte and Mainingville. The former paſſed through England, and was accompanied by Davison, one of queen Elizabeth's ambaſſadors; the other Engliſh ambaſſador was Bowes, probably the ambaſſador reſident at the court of Scotland. Mainingville came by ſea.

there

there had been no more mention of the queen's restoration; and when the proposal was now renewed, such loud clamours were made against it by the clergy, and such an abhorrence, at the same time excited in the populace against the French ambassadors, that after a short stay they were glad to retire. James VI. K. of Scotland. 1583.

The reigning nobles soon grew secure, and quarrelled, as usual, among themselves; while the king still retained his indignation at the violence put upon him at Ruthven, and the restraint in which he was afterwards held. He had the address, however, to conceal his discontent, and seizing an opportunity that presented itself at St. Andrews, he regained his liberty. Soon after, Arran was restored to his former trust and power. Declarations were emitted, testifying the king's displeasure with all concerned in the late violent seizure and detention of his person; but at the same time promising mercy to those who should become suppliants for it, within a limited time. This revolution at the court of Scotland, was soon followed by an embassy from the queen of England, of her secretary Sir Francis Walsingham; who was commissioned to complain of the king's casting off his best friends, and of his violating the assurance he had given the queen of his purpose to favour and employ them. The king is said to have answered Walsingham with so much spirit and judgment, as gave that able statesman very favourable impressions of his capacity. Walsingham would not treat with Arran * or any other of the ministers; but during the few days he was at the Scottish court, conversed on affairs with the king alone †; and it is probable, that a principal part of his errand, was to discover what he could of the young monarch's inclinations and abilities. June 28. September.

The ejected lords, unwilling to disclaim their former measures, abhorring the dominion of Arran; and confiding in their own strength, and the favour of the clergy and people, delayed to sue for the pardon offered them, until the period fixed for granting it expired. In consequence of this obstinancy, they were all by proclamation ordered to depart the kingdom before a certain day. The earl of Gowry having staid long beyond the time prefixed, was apprehended at Dundee. What had detained him was, his entering into a concert with the earls of Mar, Angus, and others, for seizing the castle of Stirling; and his being apprehended before this was effectuated, was a great discouragement to his friends. The castle however was seized by the abovementioned lords; but their force was so small, and so much vigour and expedition were used against them by Arran, and the captain of the king's guard, that the lords were obliged to abandon the castle, and seek their safety by flying into England. They took their route through Tweedale and the eastern part of Tiviotdale; and as they passed by Kelso, in their way to Berwick, had an interview with Francis earl of Bothwell, a grandson of James V. who was A. D. 1584. April 18.

* Arran, in despight at Walsingham for this contempt, forbade the captains at Berwick, and some other persons of good rank in his suite, to be allowed entrance into the king's chamber. Melvill, p. 296.

† So says Melvill; but Camden asserts, that Walsingham had money with him, to distribute among the Scottish courtiers.

Elizabeth, Q. of England.

1584.

commendator of Kelso abbey. He came forth to them secretly in the night; and the better to conceal his correspondence with them, a pursuit was pretended, and continued for a mile; the lords flying before Bothwell, till they arrived on English ground.

Godf. p. 386.

Camd. p. 374, 375. Godf. p. 386. 392.

These lords, with the other refugees from Scotland of the same faction, having arrived at Berwick, became suppliants to the English queen for her protection, and for her intercession on their behalf with their master; pleading that their attachment to her, and the interests of her kingdom, was the principal cause of their sufferings. On the other hand, the Scottish king charged them with the highest crimes; and demanded that, agreeably to the treaties between the kingdoms, they should be delivered up. But they had friends at the English court, who put the most favourable construction on their conduct; and pretended, that the article in leagues, obliging princes to this restitution of rebels, had for a long time grown into disuse. Secretary Walsingham, who greatly favoured the Scottish refugees, sent orders to lord Hunsdon, to allow them a retreat in Holy-Island: but Hunsdon, who maintained a friendly correspondence with the king of Scotland and his ministers, refused to obey Walsingham's orders *; alleging, it was unfit to lay open a place of strength to Scotsmen, who might become enemies; and that such a step could not be sufficiently authorised by orders from a secretary of state, but required an express mandate of the sovereign †. This occasioned a dispute in the English council, concerning the extent of a secretary's powers. Mean while it was resolved to give entertainment to the Scottish lords; who, after staying a short time at Berwick, were removed to Newcastle. In their way they visited the lords John and Claud Hamilton, who resided at Widdrington. Their common sufferings determined them to pass from the resentment of former offences, and to combine their counsels and endeavours for effecting the restoration of them all.

May 4.

The disappointment and flight of those who had seized the castle of Stirling, was soon followed by the condemnation and execution of Gowry. These great advantages gained over his enemies, raised the power of Arran to an higher pitch than it had ever before attained. All his measures received the sanction of a parliament that was soon after called, in which the fugitive lords were proscribed; and acts were passed for limiting the power of the church, and for punishing the invectives publicly uttered by the ministers against the proceedings of the king and his favourites. But though Arran did thus triumph at home, and obtained from his indulgent master whatever his ambition could prompt him to ask ‡; yet he found it very requisite for his quiet and security to court the favour of the English queen. Nor did Elizabeth refuse to enter into a correspondence with him; this being the only way that

* Lord Hunſdon's being at Berwick at this time does not agree with the date of a letter from him, taken from the Harleian MSS. in the Britiſh Muſeum, and annexed to the memoirs of his ſon Sir Robert Carey, publiſhed by the earl of Orrery.

† *Quid determinatum*, ſaith Camden, *non comperi, certe ille non in inſulam admiſſi.*

‡ He was made chancellor, governor of the caſtles of Edinburgh and Stirling, provoſt of Edinburgh; and at length, lord-lieutenant of the kingdom. Spotiſwood, p. 337.

was

was left for preserving peace and friendship with his master. At the request of Arran, she appointed lord Hunsdon to hold a conference with him at Fowlden; in which Arran complained loudly of the exiled lords, and accused them of the most dangerous designs against the king. At the same time he declared his own friendship for the English queen, and gave the strongest assurances, that nothing should be undertaken to her prejudice, while the management of Scottish affairs remained in his hands *. Notwithstanding these assurances, an hostile irruption was made, about a month after, by the Scottish borderers, into Redesdale†; which the English soon after revenged, by ravaging Liddisdale with fire and sword.

James VI. K. of Scotland. 1581. Camd. p. 386. Aug. 24.

These disturbances did not put an end to a friendly correspondence between the courts. For carrying on this, the master of Gray, a new favourite of the king of Scotland, was sent ambassador from that king to the queen of England in October. He was commissioned to negociate proper methods for restraining disorders on the marches; and also to solicit either the restitution of the Scottish fugitives, according to treaty; or that, in order to prevent their continual plottings with their friends at home, they should be removed to a greater distance from the borders. The English queen readily consented to what was requisite for establishing quiet on the frontiers; but instead of restoring the fugitives, she alleged, that they were the king's most faithful friends, and exhorted him to admit them to his favour and a share in his councils, as the best way of establishing his own authority and the public peace of his kingdom. She ordered them, however, to retire from the neighbourhood of the borders, and to come to Norwich ‡. This was a commodious situation for concerting measures for effecting their return, both with the English ministers and with the Scottish ambassador at the English court. For the master of Gray, and his successor Sir Lewis Ballenden, had, in concert with others of the Scottish courtiers, entered into a design of expelling Arran, and restoring the exiled lords §.

Camd. p. 387.

Spotiswood. Godscroft.

The

* According to Melvill, Arran engaged to Hunsdon, to keep his master unmarried for three years; at the end of which, it was proposed, that he should take to wife a certain princess of the blood of England, who would be then of an age fit for marriage; upon which queen Elizabeth was to declare him heir to her kingdom. Melvill, p. 315.

† Camden ascribes this irruption to the secret practices of the Spaniard, in order to hinder Elizabeth from aiding the states of Holland.

‡ They went from Newcastle towards the south, according to Calderwood, about the middle of February; "partly by reason of queen Elizabeth's direction, procured by the master of Gray, "late ambassador; partly because they perceived, that, by lying near the border, they endan- "gered their friends." (Cald. p, 185.) That they removed at this time is also evident, from an original letter of James (in the Roxburgh Archives) to Sir Lewis Ballenden justice clerk, dated 20th February 1584-5. From this letter it appears, that Sir Lewis had set out for England a little before its date; and in the end of it, the king mentions his having heard that *a company of his rebels had come to Berwick, the principals being passed up the country*; expressing his hope, that the queen would take such order with them as the treaties between the nations required.

§ The chief commission of Ballenden was to accuse the banished lords of being accomplices in a conspiracy against the king's life; for which John Cunningham of Drumwhasel, and Malcolm Douglas of Mains, had been executed at Edinburgh on the 10th of the preceding February. The queen of England appointed delegates to hear this charge, and the defence of the lords, which was

Elizabeth, Q. of England. 1584.

The holy league, so celebrated in the history of those times, formed for the maintenance of the hierarchy and tenets of the church of Rome, and the extirpation of those condemned by that church as heretics, which had its beginning in France about seven years before, received as it were a new life, and began to produce its most conspicuous effects, after the death of the duke of Anjou; which happened in the same year with the events last related.

June 10. Upon the death of Anjou, the king of Navarre, a protestant, became heir apparent to the crown of France; the prospect of which succession was so alarming to the catholics, that the leaguers of that religion, headed in France by the duke of Guise, and combined with the Pope and king of Spain, did engage in plots and enterprises, which, however repugnant to humanity, truth, and justice, were believed, by the bigots of that side, to be thoroughly sanctified by the cause they were designed to serve. A shocking effect of this furious zeal was exhibited about this time, in the assassination of William prince of Orange, by Balthazar Gerard. The unhappy queen of Scots irritated to an extreme degree by her continued sufferings and disappointments, and nearly connected in blood with the house of Guise, naturally entered into the ambitious views of that house; and hoped not only to regain her liberty, but to ascend the throne of her hated rival, by the powerful united efforts of foreign and domestic catholics. But as her firm attachment to the Romish superstition, joined to her claim to the English throne, made all papists most earnest to promote her interests; the same causes had an equally violent, but

Camd. p. 384. a quite contrary operation on protestants. The latter did all regard Elizabeth as the chief bulwark of their religion; and at this critical period, a plot being discovered for an invasion of England, under the duke of Guise, an association for defence of the queen's person and authority was proposed by Leicester, and with great zeal entered into by multitudes of all ranks throughout the kingdom *. In this association, they bound themselves by solemn promises and

made by the maſter of Glammis. Their judges acquitted them. Mean time Ballenden made uſe of the opportunity to enter into concert with the lords, for effecting their return. (Spotiſwood. Godſcroft.) From an original letter of James, in the archives mentioned in the preceding note, written with his own hand to Ballenden, and dated April 13, 1585, it would ſeem, that he himſelf was privy to this concert. After expreſſing his approbation of Ballenden's ſervices, without explaining what they were, he exhorts him, "*to continue as he had begun ſince he was "met there with als willing as he could wiſh, bath ane and ma.*" Who can be meant by theſe, but the lords who were in exile?

* The Engliſh parliament meeting in November, gave their ſanction to the aſſociation; and by a remarkable act, which did afterwards prove fatal to Mary, made proviſion for Elizabeth's ſafety and the peace of the kingdom. For theſe ends it was enacted, that if any invaſion or rebellion ſhould be made in any of Elizabeth's dominions, or any act attempted to the hurt of her perſon, by or for any perſon, pretending a title to the crown after her deceaſe, ſhe might give conſent to twenty four perſons, either of her privy council or lords of parliament, with ſome judges, to examine into and paſs ſentence upon ſuch offences; and after judgment given, it was to be publicly proclaimed, that the perſons found guilty ſhould be excluded all claim to the crown; and that all the queen's ſubjects might lawfully purſue ſuch perſons to death, with all their aiders and abettors. But if the queen's life was taken away, every ſuch perſon, by or for whom any ſuch act was executed, and their iſſues, being any way aſſenting or privy to the ſame, were for ever diſabled to claim the crown, and were in like manner to be purſued to death.

The

and subscriptions, to prosecute to death all who should attempt any thing against Elizabeth. Soon after, Mary was taken out of the custody of the earl of Shrewsbury, and was committed to a more close and rigorous imprisonment, under the charge of Sir Amias Pawlett, and Sir Drue Drury, two dependents of Leicester. James VI. K. of Scotland. 1584.

These severities against Mary made it the more necessary to court the friendship of her son. The English ministers had discovered a secret correspondence carried on of late between that prince and his mother, in which she had expressed her willingness, that he should be associated with her in the government. But however James's filial duty might have reconciled him to that scheme, his ministers were, for obvious reasons, equally averse to it, as those of Elizabeth. They were also very ready to accept of English money; which it was now thought prudent to dispense among them with a more liberal hand than formerly. This had likewise an irresistible charm with the young monarch; the patrimony of whose crown was almost annihilated by the rapacity and mismanagement of those who had administered public affairs, during his own minority, and that of his predecessors. The way being paved by such efficacious preparatives, Sir Edward Wotton, a man of address and experience, and, at the same time, a proper companion for the king in his hunting, and other amusements, was sent to Scotland to negociate a new treaty of *stricter friendship* between the crowns *. The professed object of this new alliance, was to oppose the league of the catholic powers against the protestants; and, with the same view, Elizabeth did, at this time, enter into leagues with the protestant princes and states on the continent. Strype, vol. iii. p. 304, 305. A. D. 1585. May.

Although the English court had entered into a concert with the Scottish exiles, and the secret rivals and enemies of Arran at home, to work the downfal of that hated and dangerous favourite; yet, until circumstances became ripe for a change, they were careful to maintain the appearance of friendship with him. On the other hand, Arran was equally insincere in his professions of regard to England; and in his heart was much averse to the conclusion of the league that Wotton proposed. With a view to mar the progress of this treaty, it was believed, that Arran, and his intimate friend, Thomas Ker of

The same parliament made some very rigorous laws against Papists. The dread of these laws made Philip earl of Arundel who had some time before embraced that religion, attempt to fly from the kingdom; but he was apprehended, and committed to the Tower. Henry Percy, earl of Northumberland, was also confined there, on account of a correspondence he was discovered to have held with the lord Paget and his brother; both of whom were very obnoxious, and had, on the discovery of Throgmorton's conspiracy, fled from the kingdom. Northumberland, impatient of his imprisonment, and, as he is said to have declared, in order to balk Elizabeth of the forfeiture of his estate, shot himself in the Tower on the 21st of June 1585. Camden.

* The pension that Wotton was instructed to offer the king, was 4000*l. per ann.* but before he made this offer, he informed the master of Gray of it; who told him, that the king would not be content, as his highness had been informed, that the sum intended to be given was 5000*l. per ann.* Strype, vol. iii. p. 302. Camden says, that the queen offered by Wotton, to the king, *as her son*, the same annuity that had been assigned to herself by her father. Camd. p. 401. Spotiswood represents this pension, as an equivalent for rents of the lands in England, which had been possessed by the king's grandmother, the countess of Lennox, and which James had often demanded, by his ambassadors, as due to him.

Farniherst,

Elizabeth, Q. of England. 1585. June 27.

Farniherst, devised an outrage, which the Scots committed at a border-meeting on the middle marches; the circumstances of which are particularly related by the accurate annalist of Elizabeth's reign. This convention being appointed for the ordinary business of such assemblies, the wardens, Sir John Forster and the above mentioned Ker, did, according to custom, confirm by their oaths a mutual security; and the usual proclamation was made, forbidding all persons to give offence to each other, *by word, deed, or look* (for this was the borderers phrase on these occasions). After which peaceable beginning, a body of about three thousand armed Scotchmen, unexpectedly came to the place, drawn up in battle array, with a banner displayed and drums beating, while the number of Englishmen on the field did not exceed three hundred, The wardens however proceeded to hear complaints, but had not well begun, when, on occasion of an Englishman being detected in a theft, a tumult arose, and the Scots, immediately letting fly a shower of bullets, slew Sir Francis Russel, eldest son to the earl of Bedford, put the English to flight, and pursuing them four miles into English ground, took some of them prisoners. Although it was not manifestly proved, who was the author of this slaughter, the English did not hesitate to impute it to Arran and Farniherst. Elizabeth insisted, that the murderers should be delivered up to her, agreeably to the precedents of Henry VII. of England, who delivered to James IV. William Heron, and seven Englishmen, for the slaughter of Robert Ker of Cessford, committted on a march day; and of the late regent Morton, who sent Carmichael into England for the slaughter of Sir George Heron. The king, protesting his own innocence, promised immediately to send into England Farniherst and Arran also; if, by clear and lawful proofs, they should be convicted of having intentionally violated the assurance, or committed murder. Fenwick, an Englishman, accused Farniherst to his face of the crime; but Farniherst by a positive denial overthrew the charge, as the other could not adduce any Scotchman for a witness. For in these trials of the borderers, by a peculiar law of their own, none but a Scotchmen was admitted for a witness against a Scotchman, nor any but an Englishman against an Englishman. Yet to gratify in some degree the queen of England, Arran was ordered to leave the court, and confined first in St. Andrew's, and afterwards in his own house at Kinneil, as Farniherst was in Aberdeen, where he died. Farniherst had been one of the bravest and most steady friends of the queen, and had suffered much in her cause.

However much the treaty with England was contrary to the inclination of Arran and the secret friends of the Scottish queen, the king appeared to be very hearty in embracing it; and in order to allay Elizabeth's resentment, Arran found it prudent to concur in promoting it. A convention of estates was held at St. Andrew's, the place of Arran's confinement, about a month after the disorder on the marches; at the opening of which, the king zealously recommended the proposed treaty with England, and Arran with his friends joined in a decree approving it. This act expressed the sense the convention entertained of the necessity of a league amongst those who professed the true religion, in order to oppose the confederacy of its enemies, and in particular,

Spotisw. p. 339. July 31.

James VI. K. of Scotland. 1585.

cular, that "the two crowns of Scotland and England, which nature, blood, "habitation, and the profession of one religion, had joined, should be in- "separably united, by a more firm and strait league than had been betwixt "any princes, their progenitors;" for which purpose they consented that the king should negociate such a league, and appoint commissioners for that end; and what should be concluded by them, the states engaged to ratify in the next parliament; provided that this new league did not infringe any former alliances with the ancient friends of the kingdom; but this limitation they declared they meant not to extend to matters of religion; with regard to which, they consented that the treaty should be offensive as well as defensive.

But although this deed of James and his states might seem sufficient to give content to the English court, yet that court could have no confidence in the Scottish king, so long as his councils were directed by Arran. They did therefore persist in the purpose of driving out this favourite, by sending home the exiled lords supplied with some English money, and by preparing a party at the Scottish court to favour and assist their enterprise. In this latter part of the work, Wotton acquitted himself with dexterity and success; but upon the approach of the lords to the borders, he thought it safest to abandon the Scottish court; which he did without taking leave, retiring with all the speed he could to Berwick *. A few days after, the earls of Angus and Mar, and the masters of Glamis came to Kelso, where they were received and joined by the earl of Bothwell †, and the laird of Cessford, and remained with them two or three days at Kelso and Floors. Thither also repaired the lord Home, Sir George Home of Wedderburn ‡, and others of that kindred. Proceeding with their followers to Jedburgh, they there published their intention, which they explained in a long manifesto, wherein, sparing those courtiers with whom they were in concert, they charged Arran, and his friend the colonel of the king's guard, with the most grievous abuses of their power and trust; such as the persecution of the king's ancient and faithful nobles, the oppression of the church, and shewing favour to Papists, false and injurious conduct towards England, and corresponding with the sworn enemies of that realm. They declared their purpose of delivering their sovereign out of the hands of such hated and dangerous counsellors; and summoned in the king's name, all his subjects to promote and assist their enterprise. As they advanced towards Stirling, they were joined by the lord Hamilton, and also by lord Maxwell, who had been created earl of Morton, soon after the death of the regent who bore that title. Arran, offended with Maxwell, for refusing to comply with some of his arbitrary demands, had stirred up against him his neighbours, the Johnstons; but Maxwell prevailing against them, did farther provoke Arran's rage. Maxwell's safety thus depending on Arran's downfal, he was prompted, though himself a Papist, to assist the protestant lords; and having been long

Oct. 18. Spotiswood Godfc. p. 403.

* Melvill relates, that Wotton had formed a plot for seizing the king, and carrying him by force into England; and that, upon the discovery of this plot, he fled in great fear. Melvill, p. 335.

† Bothwell was married to a sister of the earl of Angus. Godf.

‡ Wedderburn was a near kinsman of Angus. Arran had maltreated lord Home. Godf.

Elizabeth, Q. of England. 1585.

in a state of war, had in readiness, and brought with him into the field, a much greater number of good forces than any of the rest. On their arrival at Stirling, they found their work extremely easy. Their secret friends about the king, had taken care that he should be in no condition to resist them; Arran escaped by flight, and after skulking for a while, lived privately among his friends in Kyle, stripped of all his honours. The king yielded to necessity, with the best grace he could. The lords, making professions of the greatest duty and respect, were admitted to his presence, obtained his forgiveness, and, as is usual in such revolutions, had the great offices of the state distributed amongst them *. They had engaged to the king before he consented to see them, to spare his former servants, and to abstain from revenges of personal or family offences. They kept their promise, and even

Dec. 10. Stewart, the colonel of the guard, was suffered to retire unhurt.

In a parliament held the following month at Linlithgow, the forfeitures that had been passed against all these lords were reversed, and they were restored to their honours and estates. This establishment of an administration in Scotland, on whom the queen of England could depend, was highly commodious to her, and enabled her, with the greater safety, to send over to Holland a considerable body of forces, under the command of Leicester, for the defence of the United Provinces, whom, by a late treaty, she had taken openly under her protection. Her projected treaty with the king of Scotland was now also resumed, with the greatest hopes of success; the parliament at Linlith-

Camd. p. 426. gow, having given their assent to it, or rather ratified the assent, given by the convention of estates in July. The court of France, jealous of the alienation of so ancient and useful an ally, did what they could to oppose it; employing for

A.D. 1586. that purpose, their ambassador Desneval, and another dangerous agent, called Courselles. To oppose their arts, and carry on the negociation, Randolph was sent into Scotland, as a man of the greatest experience in Scottish affairs; although disagreeable to the king, on account of the troubles he had often been an instrument of exciting in his kingdom. The king would have had the annual pension that was offered him, and the assurance of the queen's doing nothing in prejudice of his succesion to the English throne, to be inserted as articles in the public treaty; but Randolph was instructed to offer only private writings, obliging the queen to both these, and under the condition of the king's continuing steady in his friendship. After some delays, arising chiefly from Elizabeth's parsimony, and her accustomed caution in the matter of the succession to her throne; James, from professed motives of his zeal for religion, love of peace, and friendship for the queen, agreed to the conditions of the treaty, and ordered them to be communicated to the nobles of his kingdom, that they, by their subscriptions, might witness their consent to them, He also gave orders to deliver up the Kers, who were suspected of the slaughter of Russel; but they, the day before they were to have been sent into England, made their escape.

* William Ker of Cefsford, one of their friends, was appointed warden and juſticiary of the middle marches, in the following January.

Soon

James VI. K. of Scotland.

1586. July 5. Rym. vol. xv. p. 803.

Soon after, commissioners from the sovereigns of each nation met at Berwick*, and put the finishing hand to this long agitated treaty of *straiter friendship*; for so it was thought proper to call it, the title of *offensive* being disagreeable to the Scots. This treaty being prefaced by an account of the occasion of it, namely, the combination amongst Popish princes for extirpating the true religion; it was agreed, by the sovereigns of England and Scotland, to give mutual assistance to each other, against all who should attack them, on account of the religion established in their several dominions; and for defending the same good cause, to endeavour to bring into their confederacy all protestant princes. In case of such attacks, the league was declared to be not only defensive but also offensive; notwithstanding former leagues of either, with any other power. Upon information given, by either prince to the other, of any hostile aggression, the prince thus informed, was bound to give no aid of whatever kind to the aggressor, however connected with him by blood, affinity, friendship, or former treaties. In cases of invasion, mutual aids were stipulated, in the following manner. If England should be invaded in parts remote from Scotland, the Scottish king should, when required, send a body of forces, not exceeding two thousand horse, and five thousand foot, into any part of England, at the expence of the queen; or, if Scotland should be thus invaded, the queen of England should send into any part of it, a body of forces, not exceeding six thousand foot and three thousand horse, on the charges of the Scottish king. Again, if invasion should be made on the northern parts of England, within sixty miles of the borders of Scotland, the Scottish king when required, should with all expedition assemble the whole forces of his kingdom, and employ them against the queen's enemies for thirty days; or, if needful, for the whole time that the subjects are bound, by ancient usage, to keep the field for defence of their own kingdom. In case of any invasion or disturbance in Ireland, the king of Scotland obliged himself to restrain the inhabitants of the Highlands and Isles, from giving aid to the queen's enemies; and to prosecute as rebels and traitors, any of his subjects, who should henceforth carry war into England. It was also agreed, that no protection should be given in either kingdom, to rebels and traitors flying from the other; but that, agreeably to former treaties, they should be delivered up to their own sovereign, or at least expelled from the dominions of the other; and that satisfaction should be made for the injuries done by these rebels, while entertained in the neighbour-country. It was farther agreed, that for the redress of wrongs, and decision of disputes, which had happened in the borders from the time the king took the government into his own hands, and four years preceding; commissioners should be nomi-

* The Engliſh commiſſioners were, Edward earl of Rutland, William lord Eure, and Thomas Randolph. The Scottiſh, Francis earl of Bothwell, Robert lord Boyd, and Sir James Home of Coldenknows. The commiſſion of the Engliſh delegates, is dated at Greenwich, June 4. That of the Scotch, at Falkirk, June 19.

Randolph, in a letter dated 25th of July 1585, to Mr Archibald Douglas, then a refugee at the Engliſh court, expreſſes his earneſt deſire to be *at the confirmation of that which he had long travailed for, and hoped ſhould now take effect, in deſpite of the devil and all malicious enemies*. Murdin, p. 544.

Elizabeth, Q. of England. 1586.

nated, within six months after signing this treaty, to meet at a proper place on the frontiers. Neither of the two princes was to enter into a league with any other prince or state, without the privity and consent of the other. Each of them engaged to confirm, when required, this treaty by oaths, seals, and solemn writings. Former treaties were declared to remain in their full vigour. Finally, the king of Scotland, when he should arrive to twenty-five years of age, obliged himself to confirm this treaty, with the consent of the states of his kingdom; as, on the other hand, Elizabeth engaged to procure to it, the sanction of her parliaments in England and Ireland.

Rym. ib. p. 806, 807.

The commissioners employed in concluding this treaty, had also powers to treat of all kinds of wrongs and excesses, that by ancient custom and former treaties fell under the cognisance of the wardens of the marches; and, agreeably to law, equity, and the circumstances of the case, to give such determinations as might conduce most to the maintenance of friendship, and the observation of the league, now concluded between the sovereigns. In fulfilment of this part of their charge, they spent some days in treating concerning the redress of past attempts *, and the best methods of preventing and managing such disorders for the future. Soon after, the lieutenancy of the marches on the side of Scotland, was entrusted to the earl of Angus †; and in the month of September, a convention of estates held at Edinburgh, imposed a tax of 15,000*l.* for raising a body of horse and foot to attend the lieutenant during the winter, for the suppression of thieves and marauders.

Moyses, p. 109, 110, 111.

A few weeks after the conclusion of the treaty between Elizabeth and James, the conspiracy of Babington and his accomplices against Elizabeth's life, being brought to light, soon brought on the unhappy fate of the queen of Scots; Babington confessed he had imparted his design to Mary, and that she had by letters expressed to him her approbation of it. These letters, by the art of Walsingham, assiduously employed for the preservation of his mistress, were intercepted; and were by Mary's secretaries, Nau and Curle, sworn to be the genuine dictates of their mistress. After the band of conspirators had undergone their deserved punishment, it was resolved to proceed against Mary, in the method pointed out by the act of the last parliament. Commissioners were sent to the castle of Fotheringay, before whom she appeared with reluctance, but with the greatest dignity and firmness, asserting her royal prerogative, and at the same time her innocence with regard to what was laid to her charge. The commissioners, however, upon the evidence laid before them found her guilty, and passed sentence against her, as having been privy to the designs of Babington and his accomplices, against the life of Elizabeth. But, on the same day on which this sentence was passed, a declaration was published by the commissioners and judges of England, that the sentence against Mary did not at all derogate from the title or honour of

* Moyses says, that the commissioners met first at Berwick on the 27th of June.

† Angus, one of the most worthy men of that time, chose this lieutenancy, preferably to the office of chancellor; accounting himself much better qualified for the former than the latter. He used to say, that he had as much pleasure in hunting out a *thief*, as others had in hunting a *hare*. Godsc. 430.

James

James king of Scots; but that his place, degree, and right, remained the same, as if the sentence had never been pronounced. The English parliament meeting a few days after, gave their sanction to the proceedings of the commissioners, and earnestly besought the queen, to order the execution of their sentence, without delay. James VI. K. of Scotland. 1586.

The king of Scotland appeared to be greatly distressed and provoked with the proceedings in England, against his mother. He first sent William Keith, and soon after, the master of Gray and Sir Robert Melvill, to remonstrate against them, in the strongest terms, and, at the same time, to offer whatever security was in his power, that she should not henceforth, by her plots or enterprises, bring any danger to the person or throne of Elizabeth. This vehemency of James, which was no more than became a son, was the more easily borne and the less regarded by Elizabeth and her ministers, from their knowing that many of his nobles and courtiers, almost all his clergy, the greatest part of his subjects, and even some of the agents he employed in his mother's cause at the English court *, heartily desired that the sentence against her should be executed. The king being informed, that no regard was paid to any of his proposals, or to the menaces or entreaties that accompanied them, recalled his ambassadors. And on the day after their return to the Scottish court, the helpless victim met her hard fate in the hall of the castle of Fotheringay, with all the dignity and decency of behaviour that became the elevation of her rank and spirit. A. D. 1587. Feb. 8.

The first intelligence James received of his mother's death, was by an express to his secretary, from William Ker of Cessford, warden of the middle marches, whose information concerning it was transmitted from Sir John Forster warden of the opposite march in England. But the king affecting to think it incredible, and no other advertisement arriving, went two days after, to hunt at Calder, a few miles to the west of Edinburgh, and remained there all the night. While there, he was informed that Sir Robert Carey, the youngest of lord Hunsdon's sons, was on his way to him as ambassador from the court of England, to apologise for his mother's execution, and had come as far as Berwick. Carey had accompanied secretary Walsingham in his embassy to Scotland, and during his short stay there, the king had grown very fond of him. This circumstance, together with the unwillingness of almost every body in her court to undertake so disagreeable an office, determined the queen to entrust it to Carey. The king of Scotland, immediately on hearing of his arrival at Berwick, sent a messenger to let him know, that his people's resentment of the unworthy treatment of his mother was so violent, that it was not in his power to warrant the ambassador's life, if he should enter his kingdom. Instead therefore of sending him a safe-conduct, he proposed to send two of his council to the bound-road; in order to receive his letters, or what other message he

Moyses, p. 117 Spotif. p. 357, &c. Carey's Mem. p. 49. &c. Feb. 15. Feb. 17.

* Such were, Mr Archibald Douglas, (who being acquitted of his known guilt of king Henry's murder by the intereſt of the maſter of Gray, was appointed ambaſſador at the Engliſh court;) and the maſter of Gray himſelf. See Gray's Letter to Archibald Douglas. Murdin, p. 568.

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Elizabeth, Q. of England.

1587. March 14.

was charged with *. Carey communicated this proposal to Elizabeth, and was directed to accept of it; accordingly Sir James Home of Coldenknows, captain of Edinburgh-castle, and Sir Robert Melvill under-treasurer, met with Carey, in the kirk of Fowldean, the company on each side consisting of twenty-four persons. Carey there delivered a letter from Elizabeth written with her own hand; wherein, professing herself to be far remote from the meanness and cowardice of dissimulation, she declared her extreme sorrow for what had happened, protested that it was most contrary to her mind, expressed the highest friendship for the king, and referred him for the particulars, which she herself could not bear the pain of writing, to the information of Carey. The story told by Cary was, that Davison, her secretary, and her counsellors, had, contrary to her intention and express instructions, made use of a warrant which she had indeed subscribed for the execution of Mary; but which she had resolved should not be made use of, unless in circumstances of the most extreme danger and necessity. Carey farther assured James' counsellors, that Davison was taken into custody, and would not escape the effects of the queen's displeasure.

Spotif. p. 357, *358. Camd. ii. 496.

Cary, p. 178.

The professions which Elizabeth made, on this occasion, to the Scottish king, were the same which she made to all the world, and which she supported, for some time, by other parts of her behaviour. She shed abundance of tears, put on mourning, would not see her counsellors, who had joined in giving orders for executing her own warrant, and actually commanded Davison to be prosecuted in the star-chamber, where he was fined £10,000 and condemned to suffer imprisonment, during the queen's pleasure. The truth was, that Elizabeth wished for nothing more than the death of the Scottish queen, but she earnestly sought to avoid the odium of its being inflicted by her command.

Davison knew perfectly what she desired, as did the other counsellors, who agreed to share the blame with him for dispatching the warrant, without having received the queen's last orders. But Davison, an honest and able man, though a stranger to the arts of a court, was made the sacrifice. The other counsellors vindicated themselves, by the engagement the association had brought them under, to pursue to death all the queen's enemies. The prosecutions the queen had ordered against them, were soon dropt, and in the end of Davison's trial, public acknowledgments were made, in the queen's name, of their affection and zeal for the defence of her person and the safety of the church and state.

The queen's letter and information, transmitted by Carey, were far from satisfying James, who for a considerable time complained and threatened aloud. But the English ministers exerted all their abilities, and used all their influence with their friends at the Scottish court, to dissuade him from proceeding to extreme measures, in which his states engaged to support him, and to which he was strongly excited by the agents of the catholic powers. With this view

* Moyses says, that Carey, after being refused a passport, sent captain Carwell from Berwick, to make his proposal. But it would seem, that Carey should be credited, in narrating what passed, between the king and himself. Yet, like Melvill, writing from memory, long after the things happened, he is evidently guilty of abundance of inaccuracies.

Walsingham

James VI. K. of Scotland. 1587.

Walsingham wrote a long letter to secretary Maitland, full of prudent admonitions; representing the great superiority of the power of England above that of Scotland, the uncertainty and unfaithfulness of foreign aids, the hazard to the protestant religion in the king's connecting himself with catholics, and the great danger to which he exposed his succession to the crown of England, by breaking a league so lately contracted, and entering into war with that nation. Lord Hunsdon governor of Berwick, was afterwards employed in prosecuting this work of a reconciliation. This nobleman was less obnoxious to the king than any of the English grandees, as having been least concerned in the proceedings against his mother. Having obtained leave to come to the Scottish court, soon after the breaking up of a parliament, which James had held, upon his completing the twenty-first year of his age, he strove to make the king sensible of the great hazard into which he would bring his succession to the crown of England, which was otherwise unquestionable, if he should persist in his resentment of a thing irremediable, and enter into open war with Elizabeth. And an opinion having been industriously instilled into James's mind, that his title to succeed to the English crown would be prejudged by the condemnation and execution of his mother, Hunsdon undertook to obtain a declaration, signed by all the English judges, that his title was nowise hurt by these proceedings. Such a declaration was accordingly transmitted to him*; and also to prove that the execution of Mary was contrary to Elizabeth's mind, and that her wrath against her secretary was not a mere pretence, there was sent at the same time, the sentence against Davison, attested by the subscriptions of the delegates, who tried his offence, and by the great seal of England appended to it. James had parted with Hunsdon on doubtful terms †; but on receiving the above mentioned papers, shewed himself so far satisfied as to emit proclamations, requiring the inhabitants of the borders to cease from the incursions they had begun to make into England.

Spotif. p. 359, &c. March 4. Camd. p. 504. &c.

In the spring of the following year, the king, in order to oblige his borderers to do justice to their neighbours in England, made an expedition to Jedburgh, carrying with him a sufficient body of forces. Pledges had been given, by the king's command, that the English should be satisfied for the damages his subjects had been convicted of doing them ‡. In order to relieve these pledges,

A. D. 1588. April 19. Moyf. p. 135.

* From a paper in Murdin, dated April 26, 1589, it appears, that the queen had before that time teſtified under her hand and ſeal to the king, that nothing was done in trying and judging his mother, to hurt any right that he might claim as heir to her. And for his better ſatisfaction, it was then offered, that he might have an inſtrument in writing to the ſame effect, ſubſcribed by the commiſſioners of her council, and the judges of the realm. Murd. p. 635.

† Hunſdon writes a letter from Berwick to the queen, dated 24th of October, in which he tells her, "that if ſhe looked for any amity or kind dealing at the king of Scotland's hands, ſhe "would find herſelf greatly deceived; for he had ſuch bad company about him, and ſo ma- "liciouſly bent againſt her highneſs, that if he had any good inclination towards her, they would "not ſuffer him to remain in it two days together." Murdin, p. 591.

This ſhort letter confirms what Camden ſays of Hunſdon's choleric temper, *Vir animo magno, ſed bilioſo.*

‡ A meeting of commiſſioners of both kingdoms was held this year at Berwick, in February; as appears from a paper in Rymer, vol. xvi. p. 304. entitled, A relation of Scottiſh affairs to be given by George Nicholſon to the lord treaſurer.

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Elizabeth, Q. of England. 1588.

he obliged several of the Tiviotdale gentlemen, who were the authors of these damages, and men famous for such exploits, to enter themselves prisoners into England *; as they were not able to make reparation for the injuries they had done. This being probably the first time that James had visited his frontiers, he made a progress eastward through the Mers, passing from Halydon to Langton, and thence to the neighbourhood of Berwick. Moved by a like curiosity to that of his mother, when in those parts, he approached so nigh the town as to obtain a distinct view of it. The captains of the garrison came forth to pay their respects to him, and some of them conversed with him for a considerable time; and in honour of the royal visitant, a discharge was made of all the artillery of the place. In the following month the king made an expedition of greater consequence, into the country near the western march, against the lord Maxwell. This lord having been freed from an imprisonment he had incurred by his zeal for Popery, on the condition of his leaving the kingdom, had gone to the court of Spain; and being there made acquainted with the project the Spaniards had formed of invading England, came home, in order to give what aid he was able to that enterprise. But the king marching with great expedition against him, soon dissipated his forces, and reduced his places of strength; Maxwell himself seeking to escape by sea, was pursued and taken prisoner.

Spotiswood. Moyses.

Spotiswood.

The behaviour of James, in the sequel of this memorable year, was answerable to these beginnings. On receiving intelligence of the invincible Armada sailing for England, he assembled his estates, laid before them the plain reasons for regarding the king of Spain, as the common adversary of England and Scotland, and the necessity of sacrificing in so critical a situation, all thoughts of resentment, to the defence of their religion and country. Whatever secret enemies England might have in this assembly, none of them were so foolish as to express their sentiments, but the earl of Bothwell, who openly proposed to embrace the favourable occasion, that was now offered, of invading England, and revenging the death of queen Mary. So earnest was he for this measure, that he had levied soldiers to serve under him in the expedition; but the king admonished him to be quiet, and to take care of the shipping, the charge of which belonged to him as admiral. It was resolved in this assembly, that all the fighting men of the kingdom should be mustered, the ports watched, beacons erected for giving advertisement of the appearance of the enemy, and noblemen appointed in different parts of the kingdom, to whose standards, when necessary, the fighting men should repair. The king did also, by a letter under his own hand to the queen of England, make offer of his person and forces, to be employed in whatever way might best serve for the defence of her country †. This behaviour was so grateful to Elizabeth, that after the Spanish

Rym. vol. xvi. p. 18,

* Such were the laird of Hunthill's sons (Rutherford's), the laird of Greenhead's (Kerbet,) Overton (perhaps Ormiston,) &c. Moyf. ib.

† This offer the king appears to have made by the advice of secretary Walsingham, communicated to the king by Archibald Douglas, his ambassador at the court of England. Murdin, p. 631. (The kings letter to the queen is dated 4th of August, Walsingham's to Douglas 27th of July.).

Spanish navy had left her coasts, she sent Sir Robert Sidney to the Scottish court, to thank the king for the solid proofs he had given of his friendship; and to offer him her aid, if the Spaniards should attempt to land in Scotland. James VI. K. of Scotland. 1588.

The circumstances and events of this unwieldy expedition, the professed object of which was the conquest of England, are so amply explained by all who write the history of those times, and so little connected with our subject, as not to require any detail here. Where every thing dear and sacred was exposed to so much danger, it was necessary to know the whole force of the nation, and have it in readiness, to be exerted against the invaders. Accordingly, musters were made, and exact accounts taken, of all the fighting men, with their armour, horses, and other stores. But the forces of the border counties of Northumberland, Cumberland, and Westmoreland, together with those of Durham and Yorkshire, were not put into the account with those of the other counties, being reserved for defence of the northern frontier in case of any attack from Scotland, or to oppose any descent that might be made on the northern coasts. Murdin, p 594. &c.

The great deliverance wrought for the island in the total failure of the enterprise of the Spaniards, and the dreadful loss they sustained, was a grievous disappointment to the bigotted catholics both in England and Scotland. In Scotland, the earl of Huntley, the lord Maxwell, and lord Claude Hamilton, were of that number. To these were lately added, by the address of the Jesuits, Hay and Crichton, two new converts, the earls of Errol and Crawford. The duke of Parma sent over, in the end of the Armada year, 10,000 crowns, to be distributed amongst the friends of Spain and the catholic cause, for strengthening their interest, and reviving their drooping spirits. Upon this encouragement, the lords renewed their correspondence with the king of Spain and the duke of Parma, inciting them to a new invasion, and requesting part of the army employed in it to be sent to Scotland, together with a sufficient sum, for raising a body of forces in that kingdom, to join it. In the mean time, to increase their strength and influence, they endeavoured to put in practice the method that had been so often employed, of getting the king's person in their power; into which plot they drew some others who were dissatisfied with the king's ministers. Among these was the earl of Bothwell, who bore a mortal spite to chancellor Maitland, hated the queen of England and all who were in her interest, and in the matter of religion was so indifferent, that he assured Bruce, the duke of Parma's agent, that if the catholics should prevail, he would presently be one of theirs, on condition of their securing to him the possession of his two abbies of Kelso and Coldingham. Calder p. 237. Spotisw. p. 372, &c. Calder, p. 238?

July.) The king's good behaviour at this crisis was perhaps not a little owing to the offers made to him by Ashby, the English ambassador, of the title of a dukedom in England, an annual pension of £5,000 and a company of guards, to be paid by the English queen, with some other articles. But these offers were never made good, being disavowed by the court of England, as matters of Ashby's private conceit, which he had no warrant either from his mistress or any of her counsellors to make. Camd. p. 533. Murdin, p. 635.

Elizabeth, Q. of England.

A. D. 1589. Spotiswood.

The scheme of seizing the king's person was disappointed by the vigilance of the chancellor, in whose house, within the city of Edinburgh, the king lodged. The plotting lords were farther disconcerted, by their letters to the king of Spain and duke of Parma being intercepted in England, and sent thence to the king, accompanied with exhortations from Elizabeth, to proceed with due severity against such guilty and dangerous offenders. The king, either not thinking their guilt sufficiently proved, or being willing to gain them by lenity, accepted of their assurances of future good behaviour; and upon receiving this security set at liberty some of them whom he had in his power; but at the same time issuing a proclamation against Jesuits and their resetters, and charging by name the chief of the former to leave the kingdom on pain of death. These incendiaries, instead of obeying, engaged Huntley, Crawford, and Errol, to break forth into open rebellion in the north. The king, much incensed at these insurgents, for their ingratitude and breach of faith, marched

April 9. from Edinburgh against them, in person, with great expedition. Though his forces were much inferior, they dispersed at his approach, and soon after found themselves obliged to yield to his mercy. Bothwell, in the beginning of this disturbance, had raised three or four hundred borderers, and led them

May 24. to Dalkeith; but being intimidated by the resolution which the king shewed, dismissed them, and, with a small number of attendants, made his way to his friends in the north. This earl, together with Huntley and Crawford, underwent a trial at Edinburgh, and being found guilty, they were imprisoned in different castles. In the month following, the king made another journey to the north, where some of the late offenders were punished by fines, and others, supplicating for mercy, were pardoned. About this time, ambassadors were sent to Denmark, to solemnize by proxy the king's marriage, and to bring over the queen. Her arrival was expected about the end of summer; and that nothing might be then seen among his subjects but tranquillity and joy, the king liberated from their imprisonment the lords concerned in the late rebellion, as also the lord Maxwell, who had been in custody from the time he was seized in the preceding year.

The queen, in her voyage towards Scotland, being driven back by a violent tempest to the coast of Norway, and the season being too far advanced for her venturing again to sea; the king, wearied out with delays and disappointments, resolved to sail to Norway in person, in order to consummate his marriage, and to convey his consort home. The fear of his purpose being defeated by refractory and intriguing nobles and courtiers, made him keep it a profound secret from all about him, except the chancellor; but he left behind him in writing an account of the motives that determined him to it, and also his

Oct. 22. Spotiswood. orders for the government of the kingdom in his absence. By these orders his council was appointed to reside at Edinburgh, for the administration of public affairs. The young duke of Lennox was appointed president of this council, and the earl of Bothwell his assistant, and second in rank. The lord Hamilton was appointed lord lieutenant of the borders, his power to extend over the three wardenries, and sheriffdom of Lanark; his residence to be at Dumfries

Dumfries or Jedburgh, and aid to be given him as need should require, by the lords Boyd, Herries, Maxwell, Home, Cessford, and other chief barons, within the marches. The king earnestly recommended peace and obedience to his subjects of all ranks, especially to those who had lately experienced his mercy. James VI. K. of Scotland. 1589.

James in these writings gave hopes of a speedy return; but in little more than three weeks after he sailed, several of the companions of his voyage returned to Scotland, bearing intelligence, that he was to spend the winter in Denmark, with his young queen. Meantime his subjects shewed a deference to the written orders and messages of their absent sovereign, far exceeding what they ever paid to his authority while present. The lord Hamilton, with the other members of the council, soon after the king left them, wrote to the queen of England, informing her of the strict orders the king had given for maintaining peace on the borders. They begged her concurrence in this work, by sending proper instructions to her wardens, and particularly by directing them to hold the accustomed meetings for the redress of recent wrongs; that the course of justice might not be interrupted or delayed, on account of difficulties in the redress of some past injuries, which redress could scarce be effected without the appointment of extraordinary commissioners from each kingdom. These friendly proposals were very agreeable to Elizabeth, who, about the middle of December, sent Mr Robert Bowes, the treasurer of Berwick, to inform the council of dangerous practices that she heard were still carrying on in Scotland, by Jesuits, and of secret assemblies and plots of certain nobles, over whom they had the ascendant, for promoting the interests of Popery, and the ambitious views of the court of Spain. She desired their timely attention to check these mischiefs, and offered in case of need, to send them aid either of men or money. The council thanked her for her care of their master's kingdom during his absence, informed her of the entire conformity between his orders and her advices, with regard to the matter in question, and promised their vigilance to discover such attempts, and their utmost vigour to repress them, as soon as they were ascertained of their reality *.

Nov. 6. Rym. vol. xvi. p. 28. 30. Moyſ. p. 165. Murd. p. 641.

Dec. 17.

Elizabeth's principal object at this time was the support of Henry IV. of France, amidst the dangers to which the opposition of the leaguers reduced him in the beginning of his reign. The heavy blow that the cause of these bigots received in the preceding year, by the defeat of the Spanish Armada, and the assassination of the duke of Guise, served only to inflame the zeal of its votaries. On the first of August of this year, the fall of Guise was revenged by the murdering knife of the friar Jaques Clement, which gave Henry III. his mortal wound. The strength and rage of the leaguers had forced this monarch to a reconciliation with the king of Navarre; and when dying, he declared him the heir of his kingdom. But this prince being, on

* A Spaniſh bark ſome time after arrived on the Scottiſh coaſt, by which ſome intelligence was obtained, which was immediately communicated to the Engliſh ambaſſador, to be tranſmitted to his miſtreſs. Rymer, vol. xvi. p. 36.

Elizabeth, Q. of England.

1589. account of his religion, dsserted by many catholics, and the duke de Mayenne, who, since his brother Guise's death, was head of the leaguers, overwhelming with superior force all Henry's courage and great talents; Elizabeth, by a small, but timely, supply of men and money, restored his affairs, and enabled him for a while to regain the ascendant over his adversaries.

A. D. 1590. In the beginning of the following May, James returned in safety with his queen, to the great joy of his subjects, to whom the king, on his part, expressed great thankfulness for their good behaviour during his absence. The queen was crowned soon after her arrival; and on that occasion the chancellor, Sir John Maitland, who had attended the king all the time of his absence, was created lord Thirlstane; the title being taken from a place in the Mers that had been long possessed by his ancestors. Queen Elizabeth sent the earl of Worcester, as her ambassador, to congratulate the king upon his marriage and safe return. He was also charged to inform James, that he was elected a knight of the order of the garter, an honour that was at the same time conferred on the French king. There was likewise a present of clothes and jewels from Elizabeth, brought by Worcester, to the Scottish queen. With these marks of respect were joined friendly admonitions, to be upon his guard against the Popish faction among his subjects, whose plots were so full of danger to both realms.

The year of James's return did not come to an end without new disturbances. In the north, a quarrel arose between the earls of Huntley and Murray, which, though quashed in the beginning, gave afterwards birth to

Spotf. p. 382, 383. many mischiefs. A cruel murder was also committed at Edinburgh, by Sir Robert Ker, heir apparent of Cessford, upon William Ker of Ancram. The latter was descended of the family of Farniherst, between which and that of Cessford there had been an old emulation for the offices of the warden of the middle marches and provost of Jedburgh. The heir of Farniherst being then a minor, Ker of Ancram was active in maintaining the interest and reputation of that house, for which he was well qualified by his wisdom, courage, and skill in the laws and customs of the borders. He had lately, in a plea brought from the warden's court to the king's council, clearly convicted one of Cessford's followers of having committed theft in England. This, added to former jealousies, did so incense lady Cessford, that she stirred up her son, who was very young, to revenge the affront offered to his family, in the barbarous way that was then reputed honourable. The king was much provoked at the deed, and threatened exemplary punishment; but the offender, after having retired for some months, obtained pardon, upon making satisfaction to Ker of Ancram's children. Such pardons the king was too ready to grant; and this was said to be obtained by the intercession of the chancellor, who afterwards gave to Sir Robert in marriage his niece, a daughter of Lethington, and brought him into great favour with the king.

A. D. 1591. In the following winter, the king, with his council, judges, and clergy, were very seriously and diligently employed in the examination and trial of witches and sorcerers. In the course of those inquiries it was discovered, that the earl of Bothwell had been seeking the help of some of these miserable creatures to shorten the king's life, while he was absent in Denmark. Bothwell was thereupon

thereupon committed to the castle of Edinburgh, in order to undergo trial for this treason; but after remaining about two months in custody, he broke forth from it, and made his escape. This flying from justice determined the king to proclaim him a traitor, and to declare him forfeited, by virtue of the sentence that was passed against him two years before, which had not been remitted, but the execution of it only superseded. All the king's subjects were forbidden to entertain or aid him, under the highest penalties; and all the fighting men of the Lothians, Stirlingshire, and of the shires of Berwick, Roxburgh, Selkirk, and Peebles, were required to repair to the king at Edinburgh, with sufficient arms, and provisions for fifteen days, in order to repress Bothwell's attempts, and to maintain the quiet of the country.

James VI. K. of Scotland. 1591. June 22. Rym. vol. xvi. p. 100.

The king, instead of conducting these forces against Bothwell, went to Perth, where he was present at a public entry which his queen made into that place; and spent some time after at Falkland. This remissness emboldened Bothwell to come with a small troop of horsemen to the principal gate of Edinburgh, and there to insult the chancellor, who resided in that city. Bothwell, abandoned and distracted as he was, had the favour of several nobles, who wished the fall of the chancellor, and a revolution at court *. Among these, the lord Home shewed his inclination most openly; for, being warden of the east march, instead of expelling Bothwell, he associated with him, and gave him protection and aid. The king returning speedily to Edinburgh, lord Home was summoned to attend the council without delay, that he might concur in concerting proper methods for suppressing the rebel within his bounds, under the penalty of being himself proclaimed a rebel, and forfeited. Home refusing to obey, a proclamation was issued, requiring the fighting-men of the neighbouring counties to repair to the king at Edinburgh, to accompany him in an expedition he purposed to make in person against those rebellious lords, and for composing the disorders to which they had excited the banditti of the marches. Most of the considerable barons and gentlemen nigh the eastern march paid a ready obedience to this proclamation; and being at Edinburgh on the day appointed, subscribed a bond †, in which they promised faithfully to serve the king against Bothwell and Home, and all who aided and abetted them in their rebellion; and for this purpose to lay aside the particular feuds and quarrels amongst themselves. It is probable that the loyalty of the gentlemen above mentioned, and the imprisoning of some of the nobles who were in concert with Bothwell and Home, determined

Moyſ. p. 177, 178, 179.

July 26.

Rym. vol. xvi. p. 107, 108, 110.

* Theſe, according to Moyſes, were, the earl Marſhal, the earls of Morton and Errol, the maſter of Glamis, and others, who were all at that time at Edinburgh.

† The ſubſcribers of this bond, in the copy printed by Rymer, are, Ceſsford, Minto, Hundley, Wat of Bedroul, Jedburgh, Harlwood, Wedderburn, Huttonhall, Alexander Home of Northberwick, Mayus Ayton (Ita) younger, James Bronfield, for the ſirname of Bronfields, John Readpithe, Patrick Dixon, Blackader younger, Eaſt-Neſbit, Innerwick, Swinton, Congilton, Smeton, Baylie, (probably Billy), Renton, Prandergueſt, Andrew Ker of Fowſide, Saltcoats, Hermiſton, with ſundry others, whoſe names, I ſuppoſe, are in the original.

They engage, "not to ſhrink from his majeſty's ſervice for any cauſe, as they ſhall anſwer to "almighty God and his majeſty, upon their faith, honour, and allegiance, and under the pain "every one of them of 1000 merks Scots, to be paid to his highneſs."

these

Elizabeth, Q. of England. 1591.

these latter to lay down their arms. Bothwell fled to England. Lord Home passed over to Flanders; but soon after, upon making his submission, was allowed to return and pardoned *.

The king of Scotland's negligent dissipated temper, his extravagant passion for favourites and hunting, the many worthless people about his court, the continual factions among his fierce and numerous nobility, his extreme poverty †, which was much increased since his marriage, and rendered him unable to pay a body of guards for defending his person; all these circumstances exposed him continually to insults and surprises. Bothwell, lurking in the neighbourhood of the borders, and still in correspondence with some in the palace, made a new attempt to seize the king's person, in the middle of the following winter; he actually entered the palace of Holyrood-house, through a secret passage, accompanied with a small band of desperate followers, attempted to force his way into the apartments of the king, queen, and chancellor; and would have succeeded, had not some favourable accidents given a little time to prepare for resistance, and to obtain help from the city. But though disappointed of his aim, himself, and far the greatest party of his companions, covered by the darkness of the night, made their escape.

Dec. 27. Spotiſw. p. 386.

A. D. 1592.

Bothwell now took refuge in the north, with his cousin the earl of Murray. This gave occasion to James to require the attendance of Murray at court, that he might detach him from Bothwell, and reconcile him to Huntley, who was then with the king. But Huntley having obtained a royal warrant, to bring to justice the accomplices and resetters of Bothwell, did, by virtue of it attack Murray, as he was in his way towards the court, in his mother's house at Dunibristle, and obliging him to abandon the house by setting it on fire, cruelly put him to death. The murder of a popular young nobleman, son of the regent Murray, and the remissness that appeared in prosecuting the offender, excited very general discontents. The nobles in particular of the name of Stewart were exceedingly irritated against the chancellor; and Bothwell acquired a greater party of favourites at court than ever before. These circumstances encouraged him to a new attempt in the following summer. Setting out from some of his lurking-places on the border, with about one hundred and twenty horsemen, consisting chiefly of banditti of those parts, both Scots and English, and travelling two whole days and nights without either food or sleep, he came to Falkland, where the king made again a very narrow escape from falling into his hands. Being disappointed of the aid he expected from some of those who were in the palace, and unable to contend

Feb. 7.

Spotiſw. p. 388.

June 26.

* Buccleugh, who had married Bothwell's daughter, was alſo openly of his party, although he is not mentioned in the king's proclamation, or in the aſſociation of the barons. He was ordered to leave the country, and obtained licence to go to France; but not long after, was allowed to return, by the interceſſion of James's queen who was engaged to ſolicit for him by the old lady Farniherſt. Hudſon's Relation in Rymer, vol. xvi. p. 148.

† The relation of James Hudſon repreſents this ſtrongly; he ſays, "that while he was at "the Scottiſh court, both the king's table and queen's had like to have been unſerved by want; "and that the king had nothing he accounted certain to come into his purſe, but what he had "from the queen of England." Rymer, vol. xvi. p. 149.

with

with the militia of the neighbouring country, who assembled for the king's relief, he was obliged to retire; and notwithstanding the small numbers and exhausted condition of his followers, himself, and almost all who were with him, made a safe retreat to the western march, from whence most of them had come; over which their leader again retired into England. Soon after, the king made an expedition to Dumfries, and on promise of pardon, received the submission of many of the Johnstons, and others, who had followed Bothwell. The interest which this desperado had among the courtiers, and even with some of the king's minions, and the great facility of the king in pardoning such offenders, encouraged many in the border counties to violate the king's proclamations, by corresponding with Bothwell, and even openly entertaining him. A great part of the inhabitants of Tiviotdale acting in this manner, the king made an expedition in October to Jedburgh, where he exacted fines from some of Bothwell's resetters, and obliged them to give bonds for their more orderly behaviour.

James VI. K. of Scotland. 1592.

In the following year new troubles arose in Scotland, from the discoveries made by the seizure of the person and papers of Mr George Ker, brother to the lord Newbottle. Ker was in the little isle of Cumray at the mouth of Clyde, ready to embark for Spain, having a commission and letters from the earls of Huntley, Angus and Errol, and from certain Jesuits in Scotland, to solicit an army of Spaniards to be sent over into Scotland, for invading England, and relieving the Scottish catholics from the thraldom and persecutions under which they at present groaned. The apprehension of Ker was owing to the zeal and activity of the minister of Paisley; and his brethren of the church entered with the greatest warmth into the prosecution of the Popish lords and all their party. The king also made the strongest declarations in the beginning, of his resolution to make them feel the utmost rigour of justice; and Graham of Fintry, one of their accomplices, was executed soon after the discovery; but this vigour was succeeded by a remissness that offended the church, the queen of England, and all zealous protestants, and that encouraged the present offenders, as well as other turbulent and ambitious persons, to new plots and enterprises.

A. D. 1593. Spotif. p. 390.

Cald. p. 281.

James in the end of winter, made a short expedition into the north; and the earls, upon his approach, retired to the mountains. According to the common, though very insignificant, practice of those times, he took the chief persons of the country engaged, by subscribing a solemn bond to concur with all their might in prosecuting the offending lords, with their accomplices and abettors; for carrying on which work, he gave commissions of lieutenancy to the earls of Athol and Marshal. Upon returning to his capital he found the lord Borough* sent as ambassador extraordinary from the queen of England, on occasion of the late discoveries. This lord was charged to demand of the

Camden.

* The family of Burghs, or Boroughs, of Gainsborough in Lincolnshire, was ennobled by Richard III. The lord here mentioned, was the last that bore the title, having left behind him three daughters. He was governor of the Brill, and afterwards lord-lieutenant of Ireland. Dugdale.

king,

Elizabeth, Q. of England. 1593.

king a particular account of the designs of the Spaniards against England, to request him to assert his royal authority, by the execution of justice; that if this proved impracticable with regard to the persons of the traitors, he should confiscate their estates; that he should admit into his council men of approved integrity and good principles; that he should with his own hand ratify to the queen his compliance with these requests, and thereby enable her to satisfy other princes in her alliance, of his sincere attachment to the common cause; last of all, that he should take care to preserve peace on the borders. Upon these conditions, the queen promised her ready aid in all exigencies, and pretended she had already taken measures to punish some of her subjects who had entertained Bothwell. James' answer to these particulars was, that he had already acquainted the queen, by Bowes her resident ambassador, of all he had discovered concerning the correspondence with Spain; that he had done what he could against his rebel subjects; that he was ready to prosecute their forfeiture in parliament; that, on their condemnation there, he would confiscate their estates; that he would admit into his council persons of such characters as the queen recommended; and was ready to confirm all those things by his handwriting. That he would do the best he could to settle matters on the borders. But he added, that it was reasonable the queen should supply him with some money, both for resisting the Spaniards and his own rebels, whose power and interest was very great. He farther demanded, that the queen should punish those of her subjects who favoured Bothwell; and as the conduct of that man had been such as to render him detestable to all princes, he demanded that, if he were found in England, he should be delivered into his hands.

Soon after Borough's departure, Sir Robert Melvill was sent to the court of England, to settle an aid of money for prosecuting the Popish lords, and also to have Bothwell delivered into his master's hands. That wild unsteady man had, for some time past, been an humble suppliant to the queen of England for her protection, and her interest with the king on his behalf; promising to serve him faithfully, and to root out the Spanish faction in Scotland. These instances of Bothwell were seconded by some in Scotland, who persuaded the queen that the king was too favourable to the Popish lords; upon which Melvill was told, that, agreeably to former treaties, the queen would either restore Bothwell or expel him from England: but as to the aid requested by the king, it was only stipulated by treaty to be given against foreign invaders, A small sum however was granted of the queen's good-will. But Bothwell instead of suffering either imprisonment or exile, did, by the help of his friends, the Stewart, make his way about this time to the king's presence at Holyrood-house; and by the power and influence of the same faction*, the king

Camd. p. 604.

Spotisw. p. 394, 395. Calderwood.

* Bothwell and his friend Mr John Colvill were introduced into the king's chamber by the countess of Athol. The king seems to have discovered more than ordinary spirit on this occasion. Spotswood relates, that they entered the presence-chamber with drawn swords; and that when the king perceived them, "he cried aloud treason, treason: they, falling on their knees, adds the "prelate, called for mercy; nay, said the king, you have dishonoured me; and placing himself in "his chair, Strike, traitor, saith he, to Bothwell, and make an end of thy work, for I desire not "to

king was obliged to promise a pardon to him and his accomplices, and to restore them to their possessions. He farther promised to debar from his presence, the chancellor *, Glamis the treasurer, the lord Home and Sir George Home, until a parliament to be held in November, should confirm his present concessions. James VI. K. of Scotland. 1593.

The king in a few weeks found means to emancipate himself from this slavery. Having called a convention at Stirling, on pretence of concerting measures for quieting disorders in the Highlands and marches, he obtained the advice and concurrence of that assembly, for recalling the grant lately made to Bothwell as being extorted, and for asserting his right as a free prince to require the attendance and service of any of his subjects at his pleasure. In consequence of these resolutions, the lord Home, the master of Glamis, and Sir George Home, returned to court on the last day of convention, as did, not long after, the chancellor of Maitland †. The king also, with the approbation of the same convention, sent a message to Bothwell, offering pardon to himself and his followers upon his supplicating for it anew; the grant at Holyrood-house having been accompanied with such circumstances as made it of no validity. This offer, however, was made, on condition of the pardon being petitioned for within a fixed time, and of his afterwards abandoning Scotland, during the king's pleasure. Bothwell consented, but, enraged at hearing of the lord Home's return to court, he threatened to oblige the king to observe the agreement at Holyrood-house, and with that view appointed to join forces with Athol at Stirling; but the king being at Linlithgow, attended by several noblemen, Bothwell durst not keep the appointment. Athol accompanied with Montrose came to Stirling, but Bothwell not meeting him, he dissembled his purpose, and retired towards Down. He was, however, close pursued, by the company who were with the king; and lord Home, commanding the avant-guard, took Montrose and some of his men prisoners, and used them roughly. Montrose also dissembling, and complaining as if he had been the party injured, was dismissed; on promising to attend the council to answer for his conduct, when called. Bothwell was summoned to appear before the council, but refusing to obey, was again denounced rebel ‡. Spotiswood.

To

" to live any longer. He protesting with many oaths, that he came only to beg pardon, and to " put himself in his majesties will; the king replied, That mercy extorted by violence, was not " mercy, and that it was not the form of supplicants to come with weapons in their hands." Spotsw. p. 394.

* Maitland, the chancellor having offended the queen, had, by her influence concurring with the faction of his old enemies, been driven from the court, in the end of the preceding year. The king was about this time purposing to bring him back, and to oppose this restitution, Maitland's enemies brought Bothwell to court, Spotsw. ib.

† Lord Home, on his return to court, levied a guard of fifty horsemen, with which he guarded the entry to the king's chamber; and chancellor Maitland, on his return, was accompanied by Sir Robert Ker younger of Cessford, and his followers, to the number of two hundred men in arms. Moyse. p. 211.

‡ This denunciation against Bothwell and his friends, the laird of Spot and Mr John Colvill, was, according to Moyses, made on December 11. On that very day, Sir Robert Ker travelling

Elizabeth, Q. of England.

1593.

To bring to order Farniherst, Hunthill, and others of Bothwell's friends, the king made an expedition to Jedburgh, accompanied by lord Home and Cessford, who probably served the more zealously against Bothwell, from their hopes of having a share of his spoils. When the king came to Fala in his journey southwards, the Popish lords, Huntley, Angus, and Errol, threw themselves at his feet, supplicating pardon. In consequence of the king's remissness, and the interest of their friends, the prosecution of these lords had been very ineffectually carried on. In a parliament held in summer, they escaped forfeiture by some defect in the libel that was framed against them. They had since that time been in secret correspondence with the king; and it was believed to be with his privity, that they came now to him at Fala. The lord Home, who was a Papist, was also suspected to be an instrument of introducing them. The king required them to attend at Perth, on a day which he fixed for their trial there. The established clergy, extremely jealous of an ill meaning in these transactions, met in great numbers at Edinburgh, and being joined by several barons who professed zeal in the matter of religion, did not wait the king's return from the border, but sent a deputation to him at Jedburgh, remonstrating against the indulgence shewn to the Popish lords; and the nearness of the day appointed for their trial; and at the same time declaring their fixed purpose to appear as their prosecutors, before the tribunal which was to judge them. They complained also of lord Home's entertainment at court. The king was much displeased both with the convention itself, and the address that they sent. He gratified them however by delaying the trial of the earls, and vindicated his keeping Home at court, as that lord was in a course of instruction, in order to his conversion from Popery *, which it was hoped would in a short time certainly take place. Soon after, a convention of estates held at Linlithgow, resolved on a new method of proceeding, with regard to Huntley, Bothwell, and Errol. They empowered a committee of their number to receive proposals from these lords, and to determine concerning them; but the award of this committee, by which the lords were to keep their estates, upon their leaving the country within a limited time, was exclaimed against by the church, and by all whom either zeal or faction made of their party, as betraying the cause of religion, and repugnant to repeated declarations made by the king.

Spotiſw. p. 397. Oct. 12.

Rym. vol. xvi. p. 219.

It is probable, that the attention and zeal of protestants with regard to religion, and their jealousies of desertion from it, or plots against it, were much quickened by the reconciliation of Henry IV. of France to the church of Rome, which happened in the preceding summer. This event gave much grief and vexation to Elizabeth; but the war in which she was embarked

homewards, met with the earl of Bothwell on the highway near Humbie. Each of them was attended by a ſervant, and the maſters and their ſervants engaging, two and two, on horſeback, a tedious combat was fought, in which, Ceſsford's ſervant was hurt on the cheek. Both parties being wearied with fighting, agreed to ſeparate, for that time; and Ceſsford returning to Edinburgh, carried the news to the king of this odd rencounter. Moyſ. p. 221.

* On the 22d of December, lord Home ſubſcribed the Confeſſion of Faith of the Church of Scotland, before the Preſbytery of Edinburgh. Cald. p. 303.

with

James VI. K. of Scotland. 1593.

with the king of Spain, the common and very potent adversary of Henry and herself, did still preserve a close union betwixt them. It was also of the utmost consequence to Elizabeth's safety, to shut against the ambitious Spaniards the door of Scotland; through which, the weakness and unsteadiness of James, and the bigotry and ambition of some of his great men, gave hopes of entering England with many advantages. For obviating this danger, Bowes, her residing ambassador at the Scottish court, as well as other agents employed by her, appear to have dealt, at the same time, with the king, with the malecontents in church and state, with Bothwell, and even with the Popish lords themselves *. As the friends however on whom she chiefly depended, were the church and those attached to it, of whom also the numbers and strength of the nation consisted, she found it proper to join this powerful party, in complaining of the lenity shewn to the Popish lords. For this purpose, she sent lord Zouche as her ambassador extraordinary, in the beginning of the following year; who was instructed to remonstrate against the act lately made, as being inconsistent with the king's repeated promises of coming to no terms with the Popish lords, without the queen's advice and consent. He was also charged, in case of the king's shewing a purpose to favour and support the Popish lords, and consequently to embrace the offers made him by Spain, to declare that the queen was resolved to employ her utmost power to oppose the landing of any foreign forces in Scotland, as she could not interpret such landing to be made with any other view than to invade her own kingdom. Zouche was also commissioned to treat secretly with the lords and gentlemen who were in the interests of the established religion, he was charged to assure them of the queen's resolution to oppose the landing of foreign forces in Scotland, and of her intention to assemble forces on her own frontiers, to be ready on any such emergency. He was to consult with them, about the proper means of withstanding and humbling the adverse party, and to promise them the queen's countenance and aid in this work. He was also to get information of any persons of note residing near the march of England, who were friendly to the cause; that the English officers on the other side might have proper instructions, whom to trust and to favour, on every occasion.

A. D. 1594 Rym. vol. xvi. p. 225. 229.

The remonstrances of Zouche, together with the obstinacy of the Popish

* Theſe dealings are evident from various original papers, publiſhed in Rymer, and particularly from the inſtructions given by Bowes to George Nicholſon, who was ſent by this ambaſſador in October, to the court of England. It appears from theſe inſtructions, that Bowes, who was long treaſurer to the garriſon at Berwick, had reſided more than four years at the Scottiſh court, a ſervice of which he was thoroughly tired, and which had been highly detrimental to his affairs, but from which the queen would not conſent to recal him; nor would ſhe even ſuffer him to make a ſhort viſit to England, though he earneſtly deſired it. He had, in the courſe of his treaſurerſhip, fallen conſiderably in arrear to the queen; and the captains of Berwick had alſo demands upon him, the ſatisfying of which, required his preſence in England, where his funds were ſufficient, could he have had the opportunity of managing them. In the ſame paper, Bowes takes notice that ſundry of lord Home's ſervants, it was thought, with their maſter's privity, had ſought to intercept his letters and packets, and had aſſaulted and hurt ſome ſcout-watchmen at Berwick. He deſires to be inſtructed, whether he ſhould overlook theſe behaviour, as he had done hitherto, or if he ſhould complain of it to the king, and aſk redreſs. Rymer, vol. xvi. p. 222.

Elizabeth, Q. of England. 1594.

lords themselves, in not accepting the offered conditions, before the time limited by these terms expired; led the king, with the consent of his estates, to resolve that they should be brought to a trial. In order to this, they were required to surrender themselves prisoners in certain castles; but the influence of the Jesuits who directed them, and their hopes of foreign aid, made them persist in despising the king's authority. Still no vigour or expedition was used to subdue them, notwithstanding the instances and complaints of the English ambassador, which were delivered in a manner so imperious and menacing as gave great offence to James. The ambassador, in pursuance of the instructions given him, in dealing with the anti-court party, secretly encouraged Bothwell to make a new attempt to effect a change at court, in the forcible method that had been so long in fashion, and had so often succeeded in this feeble monarchy. The king having been advertised of an intended enterprise of this nature, had commanded the well affected chieftains of the borders, to assemble a body of forces, in order to oppose Bothwell, at his first entrance into the kingdom. Such a body, consisting of a thousand men, was actually assembled at Kelso, under the command of lord Home, and of the lairds of Cessford and Buccleugh; but there being no appearance of Bothwell's arrival, these forces left the town and dispersed. Immediately after, Bothwell arrived from England with four hundred horse well armed; and was soon joined by lord Ochiltree with a hundred more. From Kelso, Bothwell marched next day to Dalkeith, and thence in the night to Leith, where he arrived very early in the morning of the day following. On the same morning, lord Home came to Edinburgh, with about a hundred and fifty horse. The king having, in an harangue, addressed to the citizens of Edinburgh, in their principal church, warned them of their hazard of being plundered by the banditti of the borders, who followed Bothwell, and promised to them to prosecute the Popish lords with the utmost rigour, prevailed with them to follow him against the incorrigible rebel, who was braving him at so small a distance. Bothwell informed of the king's approach, and disappointed in his expectation of being joined at Leith by the forces of Athol and others, from Fife, resolved on a retreat by the way he came. But some of lord Home's horse, who were employed in observing the motions of the rebels, approached so near as to provoke an attack from Bothwell. Home's small troop was immediately broken; and flying towards the king, who was with the citizens of Edinburgh and Cannon in the Burrow-Moor *, was vigorously pursued by Bothwell and part of his company; and in the pursuit, a few of the fugitives were wounded and taken prisoners. The pursuit ceased by Bothwell's falling from his horse, and receiving a bruise in his fall. He retired however unmolested to Dalkeith, where he passed the night, and next day marched to Kelso, where having spent the night following, his forces separated,

Rym. vol. xvi. p. 232.

Moyf. p. 225. Caldw. p. 298. Spotiſwood.

April 1.

* The accounts given of the king's behaviour on this occaſion by Spotſwood and Calderwood, are quite oppoſite. According to the former, the king being adviſed, upon the ſight of Home's horſe, to retire to the town, declared his purpoſe, not to quit the field to a traitor; but the latter ſays, that the king came riding into Edinburgh at full gallop.

and

and he and they retired to England*, or to some of their wonted skulking-places in its neighbourhood. James VI. K. of Scotland.

A few days after, Zouche the English ambassador departed; and the king was so much offended by his haughty behaviour, in the course of his negociation, and by the detection of his corresponding with Bothwell, that he did not vouchsafe him a farewell. Soon after, he sent ambassadors to Elizabeth, to complain of the behaviour of Zouche, and of the protection given to Bothwell†, and at the same time to assure the queen of their master's purpose to prosecute the Popish lords, and to request an aid of money to be employed in raising forces for that service. Elizabeth, besides her habitual parsimony, had an invincible dread, that the king and his hungry courtiers would swallow up and waste her money, instead of applying it to the ends for which it was bestowed. On this head, the Scottish ambassadors could obtain nothing but excuses and delays, or promises so general as to bind to nothing. It was easier to gratify the king with regard to Bothwell; and for this purpose, a proclamation was made through all the English borders, forbidding any person to receive or entertain him. 1594. Spotiswood. Camden.

The excommunication issued by the general assembly of the church that met in May, against the Popish lords ‡, and the pressing remonstrances of that assembly to the king, against shewing them any farther indulgence, were followed, in the same month, by their condemnation and forfeiture in parlia- May 7. Spotiswood. Calderwood.

* The king complained to Zouche, that the queen had allowed Bothwell to be harboured in one of her own houses near the march, viz. Norham. Rym. vol. xvi. p. 232.

A paper without a date, containing certain matters, which Henry Lock, an agent between the court of England and Bothwell, was to declare to the latter in name of the English queen, blames his needlessly wandering from place to place in the border counties of her realm, so openly as to give king James cause to complain of a breach of treaties, and particularly his coming to Berwick, Carlisle, and other frontier places, in such sort as none of the queen's own subjects ought to do, without her commission, &c. Rym. ib. p. 257, 258.

† These ambassadors were, the lord Colvill and Mr Edward Bruce. Spotisw. Toby Matthew, at present dean, afterwards bishop of Durham, writing to lord Burleigh, April 9, says, that the disappointment of Bothwell's enterprise much rejoiced the Papists. He adds, "I pray God "the king's protestations be not too well believed, who is a deeper dissembler by all men's judg- "ment that know him best, than is thought possible for his years." He subjoins immediately, "They talk much in Scotland of the weak provisions in Berwick, especially of powder; and "stick not to take notice how little there was between Trent and Tweed, at that time the Spa- "niards were last upon the coast." Strype, vol. iv. p. 201.

In the same letter, Matthew mentions one Ashby who was then with him, and who having undergone an examination before the council of Scotland, was asked, Whether he knew what money the earl (Bothwell) received from the dean (Matthew)? This Matthew mentions as a proof of the king's good intelligence in the court of England.

‡ This assembly, not content with lord Home's behaviour since the renunciation he made of Popery in the end of the former year, obliged him to renew it in their presence, in the most solemn manner. They also obliged him, as a proof of his sincerity, to swear and subscribe several articles of their dictating. Some of these were, "to entertain in his house Mr Archibald Os- "wald, as his ordinary pastor, or some other, by advice of the presbytery of Dunbar; to repair "ruinous kirks, and provide sufficient stipends for ministers within his bounds; not to reason, or "suffer reasoning, against the true religion, or any point thereof." The presbytery of Edinburgh, upon receiving information from any other presbytery, that they (the other presbytery) had found Home guilty of contravening any of the articles, now subscribed by him, were commissioned by the assembly, to excommunicate him summarily. Calderw. p. 303, 304.

ment.

Elizabeth, Q. of England. 1594.

ment. The summer, however, was chiefly taken up, in preparations for a magnificent baptism of prince Henry, who was born in the preceding winter. In the mean time, Bothwell deprived of protection from England, entered into a league with the Popish lords; and undertook, by raising disturbances in the borders, to hinder the king from carrying his arms against them. But his losing the countenance and aid of Elizabeth almost annihilated his influence there. In the end of autumn, the earl of Argyle, a youth of eighteen years of age, by commission from the king, led an army of Oct. 3. Highlanders against the Popish lords; and coming to an engagement with them, near Glenlivit, was defeated, although much superior to his adversaries in numbers. But the victory cost the rebels so dear, that they were in no condition to take the field against the king, who, with a small band of hired soldiers, marched into their country, soon after Argyle's defeat *. The king, having demolished some of their houses, returned southwards; leaving the duke of Lennox to manage what remained to be done. Huntley, who had married Lennox's sister, and also Errol, offered to leave the kingdom, and to find security that they should not return without the king's permission, nor during their absence practise against the church or state. These conditions being accepted, Huntley and Errol went over to France. A grant was made by the king of the forfeited estates of Huntley, Errol, and Angus, to the duke of Lennox, who allowed the ladies of the two former, to receive the rents formerly paid to their husbands. Angus skulked in his own country, and his chamberlains were allowed to receive his rents.

In the fall of these lords, the ruin of Bothwell was involved, and against him the king's resentment was implacable. His brother, having been betrayed by Colvill †, who had been one of Bothwell's chief agents and confidents, was publicly executed. Bothwell himself, having first passed to Caithness, did thence make his escape into France. He afterwards went to Spain and thence to Naples; where he died, after having lived several years in poverty and contempt. His forfeited estate was divided between Buccleugh, Cessford, and lord Home. Buccleugh got the lordship of Crichton, Cessford the abbey of Kelso, and lord Home that of Coldingham; and these several estates became the real property of the persons to whom the grants of them were made.

Moyses, p. 238.

The great successes of Henry IV. which followed with rapidity his reconciliation to the church of Rome; and the open aid long given by the king of Spain to his enemies, prompted him to make, in the beginning of this year, an open declaration of a war against Spain. But as the best and most useful ally both of Henry and the States, was queen Elizabeth, whose naval power, often exerted under brave commanders in Europe and the West Indies, was Philip's greatest annoyance, it was the chief wish of this ambitious monarch, effectually to humble the English queen, and, if possible, to make a conquest of her kingdom. For this purpose, he stirred up, by his money and agents,

* A. D. 1595.

* The earl of Morton was appointed lieutenant in the south parts, until the king's return; it being apprehended that Bothwell would make some new attempt. Calderw. p. 306.

† Colvill, had during some part of the late troubles, resided at Tweedmouth. Spotisw.

a rebellion

rebellion in Ireland, which produced much trouble and expence to Elizabeth; he also made vast preparations for a new expedition to England; for repelling which, Elizabeth armed great numbers of her subjects, to guard her coasts; and fitted out two fleets, one for the defence of the British seas, and another under Hawkins and Drake *, against the Spanish dominions in America. James VI. K. of Scotland. 1595.

By the expulsion of Bothwell, quiet was restored, on the eastern part of the marches, between the kingdoms; but the western part continued in great disquiet, from the feuds between the Johnstons and Maxwells, which arose to an extreme height, after the lord Maxwell was killed in December 1593, in a conflict with the laird of Johnston at Lockerby. Nor was the king, even after being freed from the distress given him by Bothwell and the Popish lords, able to compose these strifes, or to prevent another encounter this year, between the exasperated clans; in which several were killed, and the Maxwells were again the losers. The queen of Scotland, having caught, as it would seem, the spirit of the nation, formed a plot for taking her son out of the hands of his tutor the earl of Mar; for accomplishing which purpose, she entered into a concert with the chancellor, Glamis, Cessford, and Buccleugh. The king, having in time discovered the project, took effectual measures to prevent its execution; and the asperity with which, on this occasion, he reprehended his chancellor, is said to have hastened the death of that minister, which was no small loss to the king and kingdom †. Moyses, p. 289. Spotswood. A. D. 1596. Rym. vol. xvi. p. 286. Camden.

The fame of the vast preparations in Spain, for sending forth a new Armada against England, daily increasing, the king of Scotland began the following year, by emitting a proclamation, to warn his subjects of the impending hazard, which he represented as equally threatening their religion and liberties with those of England. He called upon them to renounce their barbarous private enmities; which so much disgraced and weakened his kingdom. In

* In this expedition Drake died 28th of January 1596.

† Chancellor Maitland entered into this project, from his emulation of the power and credit of the earl of Mar. He died on the 3d of October at Lauder, and is said to have wished, when on his death-bed, that he had built an hospital, when he built his castle of Lauder. Calderw. p. 310.

James regretted the death of this minister very much, and wrote in honour of his memory a copy of verses, which as Dr. Robertson observes, 'when compared with the compositions of that age, 'are far from being inelegant.' I have subjoined them for the reader's perusal.

Thou passenger that spies with gazing eyes
This trophy sad, of death's triumphant dart,
Consider when this outward tombe thou sees,
How rare a man leaves here his earthly part.
His wisdom and his uprightnesse of heart,
His pietie, his practise of our state,
His quick engine so verst in every art,
As equally not all were in debate,
Thus justly hath his death brought forth of late,
An heavy grief in prince and subjects all,
That virtue, love, and vice, do bear at hate,
Though vitious men rejoices at his fall.
So for himself most happy doth he die,
Though for his prince it most unhappy be.

particular,

Elizabeth, Q. of England. 1596.

particular, he charged the inhabitants of the borders, under the highest penalties, to desist from all hostile attempts against England; to which, he affirmed, they were excited by the emissaries and money of Spain as they had formerly been on the like occasions. He required them to cultivate friendship with their neighbours, with the utmost care; and the wardens and officers to punish wrongs done to the English with the same rigour, as those committed against his own subjects. In return for this expression of friendship, the queen of England issued orders of the same kind.

Burleigh's Diary in Murdin.

Spotif. p. 413, &c.

These pacific dispositions of the sovereigns were not sufficient to hinder a great outrage, that was soon after committed in the west borders of England. The laird of Buccleugh being keeper of Liddisdale, his deputy had held a meeting for ordering affairs of the borders, with the deputy of lord Scroope, who was warden on the other side. It was an ancient law of the marches, that the truce which was proclaimed at the opening of any of these meetings, should continue until the next day at sun-rising. But in violation of this law, William Armstrong, a noted thief, who had been at the meeting with the Scottish deputy, was, on his return from it towards the usual place of his residence, pursued and taken by the English, and carried a prisoner to the castle of Carlisle. Buccleugh, having complained in vain of this violence, to the English warden lord Scroope, and to Bowes, the English ambassador at the Scottish court, did at last engage the king to demand the restitution of the prisoner at the English court; but nothing being obtained in return but excuses and delays, he entered the castle of Carlisle by a bold assault in the night, and carried off Armstrong in triumph to Scotland. This produced heavy complaints from the queen of England, and urgent demands of redress; while James and his nobles endeavoured to protect Buccleugh, and to justify his conduct, as being sufficiently warranted by the transgression on the part of the English. At last, to gratify Elizabeth, it was found necessary to commit Buccleugh a prisoner in St. Andrews; and afterwards to send him into England, where he did not continue long.

April 13.

Moyf. p. 244. Spotiſwood.

The union of Elizabeth with Henry IV. of France, which was still more closely cemented in the beginning of this summer by an offensive and defensive league concluded between these princes against Spain, the successful expedition of the English against Cadiz, and the desturuction by a storm of a Spanish fleet bound for Ireland; these circumstances and events co-operated to the increase of the glory and power of England, and to make Spain less formidable. The Popish lords in Scotland, disappointed of their hopes of foreign aid, became more tractable; and Huntley and Errol being permitted to return home, the king, with the consent of his estates, offered to restore these lords, together with Angus, to their lands and honours, on condition, that all of them should abjure Popery, and satisfy the church. This was much retarded by the opposition of the clergy; over which, the king did at last prevail; and being now freed from any apprehension of disturbance in the northern parts of his dominions, he was in a better condition to take measures for restoring quiet on the marches towards England; which became daily more and more necessary, from the frequent mutual incursions that had been made

made on the western border, ever since the enterprise of Buccleugh against Carlisle.

James VI. K. of Scotland. 1596.

For quieting these disturbances and redressing injuries, recourse was had to the accustomed method of appointing commissioners of both nations, to meet nigh the scene of the disorders that had been committed. This appointment of commissioners was made before the end of 1596; and the place of their meeting was Carlisle *. They had in charge to *hear*, *determine*, and *redress* all attempts and wrongs committed in either realm, since the last meeting of commissioners at Berwick in February 1587†; and also, to give due answer and redress to such bills, as the said commissioners had ordered to be answered and satisfied, but in which satisfaction was not yet made ‡. This was a work that employed the present commissioners for several months, while the good effects and happy issue of it were retarded, and in hazard of being defeated, by the outrages committed in the mean time on the east and middle marches. The acts of violence perpetrated by the Scots, were the more intolerable to the queen of England, because one of the ringleaders in them was Buccleugh; for whose enterprise at Carlisle she had not yet received satisfaction. The banditti also in Sir Robert Ker's district, were led or encouraged by him, to frequent depredations on the east marches; where the disorders arose to a greater height, from some particular quarrels between him and Sir Robert Carey, lord Hunsdon's fourth son, who had lately succeeded Sir John Selby as deputy-warden of the east-marches, and was a person of no less high and bold a spirit than Ker §. Elizabeth was so much incensed by the accounts received from her wardens of the excesses committed by the Scottish marauders, that

Rym. vol. xvi. p. 307. Nicholson's Border-Laws, p. 103, &c.

Border-Laws, p. 112. Art. 26.

Rym. vol. xvi. p. 312. Carey's Mem. p. 118, &c.

* The date of the English commission is October 2, 1596. In the Scottish commission the year is only mentioned. These commissions are annexed to the treaties in the Border-laws. The English commissioners were, Toby (Matthew) bishop of Durham, Sir William Bowes, Francis Slingsby, Esq. and Clement Colmer, LL. D. The Scottish were, Peter (Rollock) bishop of Dunkeld, Sir George Home of Wedderburne, Andrew Ker of Fawdonside, and master George Young, archdeacon of St. Andrews.

† In Border-laws, the last meeting of commissioners is said to have been in 1587. This is a mistake; the last meeting was at Berwick in 1588. Above, p. 671.

‡ In an account of Scottish affairs, sent from Robert Bowes the English ambassador at the Scottish court, by George Nicholson to lord Burleigh in the end of 1596, mention is made of an inroad that had been lately made into Scotland by Mr Henry Wodrington, in which he had spoiled the town of Cavers, belonging to Douglas, sheriff of Tiviotdale. King James sent the laird of Polwarth and Mr Gideon Murray to inform Bowes of this, and to require redress of it before the commissioners met: upon which Bowes wrote to lord Eure, desiring him to do speedy justice for this outrage, upon redress being made of the like injuries done to the people within his wardenry. But Bowes adds, that these matters would probably lie over until the meeting of commissioners. Rym. vol. xvi. p. 307.

§ Sir Robert Carey received at the same time, by resignation from his father, the keeping of Norham castle, for which 140*l.* was paid out of the revenues of the bishoprick of Durham. But of this, Sir Robert paid to his brother John marshal of Berwick 100*l.* *per ann.* all the time that John held that office, which was probably until the death of the queen. Soon after, Sir Robert received the entire charge of the eastern march, upon the death of his father in 1596, though without either the commission or pay of warden for the greatest part of two years. His necessities drove him at last to repair in person to the queen's presence, and fortunately he found her so gracious, as to order him 500*l.* in payment for his past services, and to give him a commission for the wardenry of the east march. Carey's Mem. p. 135, &c.

Elizabeth, Q. of England. 1596.

when the commissioners at Carlisle were on the point of subscribing their treaty, she ordered Sir William Bowes, one of these commissioners on her side, to repair to the Scottish king, to remonstrate, in the strongest terms, against the injuries done by his subjects. Bowes was ordered to carry with him an abstract in writing, of the excesses lately committed by the Scots; to assure the king, in name of his mistress, that the remote situation of her borderers from her eye and presence, did not at all lessen her care of their preservation; and that, in compassion for their sufferings, she was resolved to send such forces as would be sufficient to repress the insolence of the banditti who annoyed them.

A. D. 1597.

Notwithstanding these disturbances, the commissioners proceeded in their business, of ordering complaints brought before them, from all the marches of both kingdoms; and being led by the discussion of these complaints, to a discovery of the causes from whence they proceeded, they agreed on several articles, by which former good orders were enforced, and new regulations made, for redressing past, and preventing future wrongs. Such regulations had become extremely necessary, from the lawless and disobedient disposition of the greatest part of the inhabitants of the marches, emboldened by the long negligence or connivance of officers; in consequence whereof, many places of both borders were reduced to a state of desolation.

May 5. Border-Laws, p. 103, &c.

Art. 1.

The first article of this treaty does honour to the character of the prelates of the church, one of whom stood first in the list of commissioners from each nation. In this article, it was resolved, that the sovereigns of each kingdom should be addressed, to order the settlement of ministers at every border-church, for the sake of reforming and civilizing the inhabitants, by their salutary instructions and discipline; and that for this purpose the decayed churches should be repaired; and that for the safety of the persons of their pastors, and due respect to be paid them in the discharge of their offices, the principal inhabitants of each parish should give security to their prince. It was in the next place agreed, to request the sovereigns on either side, to establish a council in every march, consisting of the persons of best character residing within its bounds, who should hold meetings twice a year, in order to concert measures for preventing such enormities and mischiefs, as had of late abounded in the borders. The time and place of these meetings was to be appointed by the commissioners of each kingdom: and in a subsequent article, it was agreed, that these councils should at their several meetings, after diligent inquiry and trial, make up lists of all notorious thieves and robbers within their several wardenries; copies of which lists, they should deliver to the wardens, who, upon the first trespass that any offender thus enrolled should thereafter be duly convicted of committing, should immediately put that offender to death; or in case he were fugitive, should cause him to be proclaimed such, according to the custom of the marches, and his house to be immediately demolished and destroyed.

Art. 2.

Art. 7.

Art. 3, 4, 5.

The time for the wardens showing annually their commissions to each other, and for reciprocally giving and receiving their oaths faithfully to administer justice, agreeably to former treaties, was now more precisely fixed, to a day of *Trewes*, to be holden, within four days after Mid-summer. By the oaths just mentioned,

James VI. K. of Scotland. 1597.

mentioned, every warden was particularly to engage to *speir*, *file*, and *deliver*, upon his honour, for the wrongs committed by any within his district againstthe inhabitants of the opposite realm, within fifteen days, after being required to do so by his opposite warden; if the number of persons concerned in the enterprise exceeded five, and provided requisition were made within forty eight hours after committing the attempt. And if any warden, of whom such requisition was made within that time, should delay his return longer than fifteen days *, he himself, should, in punishment of his neglect of duty, be obliged to redress the wrong charged †. In cases of slaughter, besides the former treaty made thereupon standing in full effect and force, it was now ordained, that the wardens should for the future do justice within fifteen days after being required by their opposites, under the penalty of £10 sterling, to be paid to the party grieved, by the warden in default, for every month during his delay of justice. For the same purpose of speedy execution of justice, it was ordained, That any warden, having concern with two opposite marches, in case of denial of justice by either of his opposite officers, should nevertheless proceed in justice with the other, leaving the refuser, to be called to account for his conduct, by his own sovereign. Art. 9. Art. 10.

The consequence of wardens or keepers ‡ riding in person, or directing others to ride, in hostile manner within the opposite realm, being found dangerous to the peace between the nations; such incursions were now forbidden under the highest penalty, unless where the officer should be warranted by a special command, under the hand and seal of his prince. Those who accompanied or obeyed him, if not thus warranted, were declared to be cut off from redress of all wrongs done them, before the time of such unlawful inroads; while the parties aggrieved by them should obtain satisfaction, according to the laws of the marches. Art. 6.

Instead of the hostile methods of proceeding which were thus restrained, divers new regulations were made, in order to cut off the sources of ever-returning mischiefs, and to excite the diligence and strengthen the hands of the wardens. The mortal quarrels or deadly feeds which the friends of any villain maintained against those of the opposite realm, who had killed him, or prosecuted him to death, in however just a manner, were the causes of great and continual disorders. With regard to all such feeds, either then Art. 8.

* The return was to be made by the warden's writing in the margin of every bill, that was either ſuſtained or rejected (filed or cleared) by them, *foul* or *clear as I am verily perſuaded upon my conſcience and honour*; and where more offences than one were charged in any bill, the defendant was not to be conſidered as found guilty (filed) of more of them than ſhould be particularly mentioned in the margin. It was alſo declared, that all interlineations in ſuch bills ſhould be of no effect, unleſs made with the privity and conſent of the commiſſioners or wardens by whom they were tried; to aſcertain which, the principal complaint ſhould at the time of delivery be produced, as well as the order made upon it. Art. 5. Art. 22. Art. 23.

† In caſes alſo where the warden delivered his own officer, as a pledge for making good the penalty of any bill ſuſtained before him, and afterwards, as was uſual, borrowed him back from the oppoſite warden on his word; it was ordered, that, if in the meantime, the offender himſelf ſhould die, the warden ſhould pay the ſum due from him to the purſuer; and ſeek his relief as he beſt might, upon the heirs and executors of the deceaſed. Art. 11.

‡ The mention of *keeper*, probably relates to Buccleugh's office of keeper of Liddiſdale, and his aſſault on the caſtle of Carliſle. Above, p. 688.

Elizabeth, Q. of England. 1597.

subsisting, or that should afterwards arise, upon notification made to the warden, to whose district the person bearing feed belonged, that warden was ordained to apprehend him, and oblige him either to renounce the feed by writing under his hand; or if he refused, to deliver him to the opposite warden, to be detained until he should make the renunciation required, and find security to that effect, to the content of the pursuer. In the same view of preventing revenges, it was ordained, If any man for the future, should offend another in word or deed, for filing any bill against him, he should, besides suffering punishment according to the quality of his offence, be debarred for ever from back-billing against the avower. And in order to hinder fraudulent delays in the practice of back-billing, which were intended to disappoint the avower of the proofs he might be able, at the time of giving his evidence, to produce for verifying his word; it was ordained, that those who back-billed against any avower, should do it at or within the interval of forty days after filing of the bill, or otherwise be cut off for ever from that remedy; and, that an opportunity might not be wanting of doing this, every warden should be bound to hold warden-courts for dispatch of justice, within twenty days after being required by the party, under the pain of paying himself the damages incurred by the bill being sustained *. To diminish as much as possible the number of offenders, the wardens were appointed to take care that no persons known to be idle, and unemployed in any honest service or trade, should be entertained by the *broken borderers*, (ita) or suffered to lodge in border-villages or alehouses; but should certify all who suffered them to remain on their grounds, that they should equally be liable to prosecution for thefts committed by such vagrants, as if they themselves had been the resetters of the goods stolen. And farther to repress and intimidate the entertainers and leaders of these banditti, it was ordered, that *causing* or *commanding*, being charged in any bills of complaint, should be no less criminal than *possessing*, *stealing*, and *resetting*. In cases of forcible and violent theft, and of violent resistance to those engaged in the hot and fresh pursuit of thieves; or of secret stealing, accompanied with bodily hurt of men, women, or children; it was ordered, that, besides the usual redress of the goods stolen, any one of the offenders whom the complainant should chuse, should be delivered to the opposite warden, to be punished at his discretion, according to the quality of the offence.

Art. 17, 18.

Art. 18.

Art. 19.

Art. 12.

* Theſe articles are given very nearly in the words of the original. The practice of *back billing* and the term *avower*, do not occur in former treaties; nor is their meaning clear here. In general, the *avower*, ſeems to be an evidence or witneſs produced by the complainant, in ſupport of his bill; and by back-billing againſt the avower, are we not to underſtand, giving in a bill or complaint againſt the witneſs of the plaintiff? When the complainant had an avower and made uſe of him in proſecuting his bill, it appears by Art. 25, that he had a title to claim *double and fawſey*, that is, as ſeems evident from former treaties, the principal and two doubles. Compare p. 81, 112. with pages 80, 95, 101. in the Border-Laws.

An old poet quoted by Dugdale in his account of the ancient race of the lords Willoughby's of Ereſby, calls St. George his only avower. Dugdale's Peerage, vol. ii. p. 86.

*Now holy St. George mine only avower.*

To prevent malicious and false accusations, it was ordained, that if any person should maliciously and without cause procure the arrestment of another to a day of trewes, the warden, on discovering it, should order the party so molested to be satisfied for his loss and expences. And for the better prevention as well as conviction of this disorder, it was appointed, that the plaintiff should take his oath, that he was persuaded he had just cause to prosecute his bill against the person whom he had procured to be arrested; also in swearing of bills themselves, in time to come, it was ordained, that every man should swear his own bill, or otherwise have no delivery for it*; to hinder also the molestations to which honest people were exposed, by the neighbourhood and intercourse of so many thieves, it was ordained, that, in case any person possessed *bona fide* stolen goods, not knowing them to be such; and were not sued for them within year and day, the goods should ever after remain with him as his rightful property. But if within that space, he should be sued for the same, he should be obliged to make sufficient proof of his innocency, and should name a responsible dealer †, of whom he had received the goods. But it was also declared, that this regulation should not excuse any persons privy to theft, or that were anyways *hiders*, *concealers*, or *keepers up* of stolen goods; but that all such offenders should be punished, according to ancient laws and customs.

James VI. K. of Scotland. 1597. Art. 14. Art. 16. Art. 15.

It was not unusual for a borderer of one nation to be bound for one of the other, and such bondsmen had often the sums to pay for which they became engaged. In such cases, the person for whom the security was given, or if he died, his heirs, executors, or assigns, were to be adjudged by the wardens to repair the sum to the surety, or in case he died to his heirs, executors, or assigns, in the bond: provided always, their intention ‡ and claim were proved either by a sufficient bond in writing, or by a lawful vower § of the opposite nation, agreeably to custom and treaties. It was also agreed in general with regard to actions of debt, that unless both parties, or at least the party defendant, were inhabitants within the march, those actions should not be tried before the warden, but before the ordinary judges; in which case the English march should be understood to extend from Newcastle and Penrith; and the Scotch from Edinburgh and Dumfries, exclusively.

Art. 20, 21.

The remaining articles of this treaty, were chiefly designed to carry into speedy and effectual execution the resolutions and orders of the present commissioners. The wardens on each side were ordered, before the last day of June, to make up lists, as complete as possible, of fugitives from justice who were sheltered in the opposite march; which lists they were to subscribe and to transmit to the wardens on the other side, together with a requisition for apprehending and delivering those fugitives, agreeably to treaties. This the opposite warden was to perform with the utmost secrecy and diligence. And if he could

Art. 24, 25.

* This is said in the treaty to be for *eschewing of perjury*.

† In the printed copy it is *debtor*, by mistake.

‡ *Intention*, so printed, perhaps interest.

§ So in printed copy. Is not vower the same with avower?

not

Elizabeth, Q. of England. 1597.

not apprehend them, he was to declare, and cause them to be declared, fugitives throughout his own and the other marches; he was also to demolish their houses or shiells, and not to suffer them, for the future, to be resetted in his march, under pain of being reputed an entertainer of enemies to the public peace between the nations, and of being answerable to the party aggrieved for all the injuries committed by these fugitives. It was farther ordered, concerning complaints that were yet remaining unsettled, if there were any such, that the wardens should, before the 10th of June, interchange their rolls with their opposites; and that within eight days after, these wardens or deputies, meeting at the usual places, should return them to their opposites, either sustained or rejected upon their honour, under penalty of paying themselves the damages charged in the bills left undecided. But this manner of proceeding was to be so understood, as not to preclude the complainant from using an avower, if he had any, and thereby claiming double and sawsey *.

Art. 26. For the better assurance of delivery and redress of all bills sustained by the commissioners during the present negociation, as well as of those sustained by the last commissioners in 1588, but not yet satisfied; and for preserving quiet on the border until full delivery was made for both; it was ordered, that out of every sirname of thievish clans, on either side, and in proportion to the numbers of these clans, two or more, to be chosen and named by the opposite officer, should be delivered to the said officer, as pledges for satisfying the bills

Art. 27. sustained against themselves, and the rest of their sirname. But where the border-men, and others against whom the bills were sustained, were not of any known clan, then the wardens were each of them to enter a gentleman, to remain with the opposite warden until full satisfaction should be made for

Art. 28. such bills as he was entered for. These deliverances or entries were to be

Art. 29. made betwixt the date of the present treaty and the first of July next ensuing; and the princes, on either side, were to be addressed, to see this article put in execution.

Art. 30. The pledges, when entered, were to be kept at their own expence, by per-

Art. 31. sons with whom they had no feed or variance. Their continuance in the opposite realm was to be no longer than until the bills for which they were

Art. 32, 33, pledges were duly satisfied and redressed. If any of them should die while in the opposite realm, another of the clan, to be named by the opposite officer, was to enter in his place. These pledges for the thievish clans were to procure the bills sustained against their whole sirname to be redressed within a year and day from the date of the present convention; and if this was not done, it should be in the power of the prince, or of the officer with whom they remained, to put them to death; or to retain them, at pleasure, until full

Art. 34, 35. satisfaction were made. And this obligation on these pledges, to procure, at their own peril, reparation from their friends, was to extend, not only to bills already sustained, but to all such as should be sustained, from the breaking up of the present meeting of commissioners, until the day mentioned above for

* See above, p. 692.

the.

the liberty of the pledges. An exception was added with regard to slaughters; to the redress of which, it was declared, that this entry should not extend any farther than the commissioners should agree in the treaty thereupon.

Finally, it was declared to be agreed by the English commissioners, that, as the commissioners for Scotland had consented both to begin and carry on the present treaty within England, the next treaty of commissioners should hold within Scotland; unless the princes, or their commissioners then appointed, should otherwise determine. Art. 36.

The articles of this treaty, that required the delivery of fugitive offenders and of pledges, the English wardens, according to the express orders of their queen, were ready to fulfil: but, on the side of Scotland, Sir Robert Ker and the laird of Buccleugh were very reluctant and tardy in performing them. They contrived excuses and reasons of delay, which their powerful friends at the Scottish court used all their influence to support; and the evident tendency of their conduct was to frustrate and disappoint the effects of a negociation that had cost so much time and pains. Queen Elizabeth informed of this indirect dealing, was very much provoked; and commanded Sir William Bowes, one of her commissioners, after joining with her resident ambassador Robert Bowes in making proper remonstrances to the king *, to leave his court with notice of the queen's purpose to employ her own power, in redressing the insults and wrongs received by herself and subjects. The spirit and resentment expressed in these declarations, obliged the king to exert all his authority to bring to order the two headstrong chieftains. He desired the queen to empower her ambassador to fix a day for the mutual delivery of pledges, agreeably to the late treaty, and promised to deliver, on that day, either the pledges due on his side, or the wardens by whose fault that delivery should fail of being made†.

Rym. vol. xvi. p. 318.

Rym. ib. p. 322.

In fulfilment of this promise, Buccleugh and Sir Robert Ker, having failed in delivering their pledges, were obliged to enter themselves prisoners at Berwick. Buccleugh entered first; and the pledges of his district being at length delivered, he was restored to his liberty, after having remained at Berwick three or four months ‡ Sir Robert Ker was delivered prisoner at Berwick by the lord Home; where he had the magnanimity to put himself under the guardianship of Sir Robert Carey, notwithstanding the strife and emulation that had long subsisted between them in the execution of their respective offices.

Spotisw. p. 448. Carey's Mem. p. 131, 132, 133, 134.

* Her letter to the Bowefes is prefaced with thefe angry words; (they are printed in Italics, between Elizabeth R. and the addrefs of the letter.) "I wonder how bafe-minded that king "thinks me, that with patience I can digeft this difhonourable——(Ita.) Let him know there-"fore that I will have fatisfaction, or els——(Ita)." Rym. vol. xvi, p. 318.

† James in the month of October, made an expedition in perfon to Dumfries, in order to fuppreſs the inſolence of the banditti in that neighbourhood. Several of them were apprehended and hanged; and the chiefs of thirty ſeven clans were obliged to enter as pledges ſome of the moſt noted malefactors of their ſeveral tribes. Moyſ. p. 255.

‡ Spotiſwood ſays, that he entered in October, and continued till February. Carey ſeems to ſay, that he remained a priſoner only a few days; but Carey is very inaccurate in his accounts of time. Buccleugh had choſen for his guardian Sir William Selby maſter of the ordnance at Berwick. Carey, p. 131.

But

Elizabeth, Q. of England.

A. D. 1598.

But Ker's knowledge of the bravery of his antagonist, of which, during the intercourse between them, he had received many proofs, determined him to give Carey this mark of confidence and regard; and it was returned with so generous an hospitality on Carey's part, as converted their past enmity into a sincere and lasting friendship. Sir Robert Ker, not being able soon to effectuate the delivery of his pledges, and on that account having been ordered to be carried prisoner to York, was conducted thither by Carey, and intrusted to the charge of the archbishop. He was soon after liberated by the entry of his pledges, and returned to his charge of the wardenship of the eastern march *.

Strype, vol. iv. p. 321.

March 16.

Carey's Mem. p. 140.

The opposite march, on the side of England, continued but a very short time after under the charge of Sir Robert Carey. Peregrine Bertie lord Willoughby, a nobleman who had born high commands and acquired great military fame in the wars of France and Flanders, being appointed governor of Berwick, was, at the same time, agreeably to the rule observed since the beginning of Elizabeth's reign, made warden of the eastern march †. Upon this revolution Carey returned to court, but was not long there, until he was appointed warden of the middle march, in room of lord Eure; who being distressed by the disorders that prevailed in the country under his inspection, arising chiefly from his being ill-served by his officers, did very willingly resign his charge. Carey taking up his residence in Alnwick-abbey, and joining to his past experience in border affairs, an uncommon degree of address, industry, and resolution, soon brought many offenders to the punishment they deserved, and restored quiet and security to the country. His friend Sir Robert Ker, who had the charge of the Scottish eastern march, concurred with him cheerfully and effectually in all measures for bringing malefactors to justice, and preserving peace between the kingdoms; as did also Farniherst, who had the charge of the eastern part of the middle march. A tribe of banditti, originally Scots, who had settled in the wildest tracts on the western border ‡,

Ib. p. 146.

Carey, p. 154, —163.

* Sir Robert Ker was in the year following, chiefly by the intereſt of Sir George Hume, advanced to the council-board. His promotion and favour with the king was very offenſive to the queen of England, who had not forgotten Ker's paſt behaviour. Letter of Sir W. Bowes, in Rym. p. 378.

† Peregrine Bertie lord Willoughby was the ſon of the fourth wife of Charles Brandon duke of Suffolk. This lady was ſole daughter and heir to William lord Willoughby of Ereſby, and had no children to the duke of Suffolk: but being married again to Richard Bertie, a gentleman of Kent, ſhe bore to him ſeveral children; of which Peregrine was the eldeſt ſon, and heir of the honours which his mother derived from her father. His parents were exiles in Mary's reign for religion; the ducheſs being a zealous Proteſtant; and Peregrine being born during their exile, was called by a name expreſſive of this circumſtance. Dugd. vol. i. p. 408. Johnſon deſcribes lord Willoughby thus in Rer. Brit. Hiſt. p. 329. *Juvenis genere nobilis, manu promptus, ardorem animi vultu oculiſque præferens.* His extraordinary valour in a fight in Flanders July 15 (it is not ſaid what year) is celebrated in an old ſong publiſhed in Reliques of ancient Poetry, vol. ii. p. 217. The publiſher there refers for his character to Naunton's Fragmenta Regalia.

‡ Theſe banditti were chiefly of the name of Armſtrong. They burnt and plundered the town of Hartweſell (ſo Carey ſpells it) i. e. Haltwhiſtle. His noble editor, miſled by the falſe ſpelling, and his own inattention to the circumſtances of the narrative, and geography of the country, takes it for Weſel; which is another falſe ſpelling, common in the maps of Northumberland, of Twiſel, a town and caſtle in the eaſtern march, ſituated near the conflux of the Till and Tweed. Carey's Mem. p. 150.

having

having committed grievous outrages on the adjacent parts of Carey's district, were given up by the king of Scotland, as an herd of outlaws, to be punished by the English warden as their offences deserved. For this purpose he encamped his forces in the neighbourhood of an impervious forest, whither they had retired for shelter; and having acquainted himself, as exactly as possible, with their situation, attacked the side towards England with his foot, while with his horse, beforehand secretly sent around, he guarded certain passages that led from the forest towards Scotland. And while the banditti were attempting to fly through the passages on that side, from the violent assault made upon them on the other, the English horsemen took some of the chief of them prisoners; and thereby Carey was enabled to make such conditions with the rest as fully secured the quiet of that part of the borders. He afterwards redressed an encroachment that the neighbouring Scottish gentlemen had for some years past made on certain parts of his province, by hunting in it for deer, without the allowance of the English warden; which formerly, at times when the nations were at peace, used to be asked by the Scots, and readily granted on their request. The servants of these hunters did also, under protection of their masters, cut wood in the English forests, and carry it off into Scotland. Carey having in vain warned Farniherst to abstain from this encroachment, ordered his deputies, at the head of a sufficient body of horse, to set upon the hunters, and break the carts that were employed in carrying away the wood. These orders were executed with proper spirit, and with as little hurt as possible to the persons attacked. Several of the Scottish gentlemen being taken prisoners, were carried to Widdrington-castle, where Carey did then reside; who, after entertaining them with much hospitality, and receiving their promise never to hunt again in his province, without his permission, allowed them to return to their own country. They afterwards always obtained from him liberty of hunting, when they asked it; and Carey himself often joined them in the sport. The king of Scotland made some noise about these proceedings; but was pacified by Elizabeth's punishing her deputy-wardens by a short imprisonment.

James VI. K. of Scotland. 1598.

Carey, p. 165, —170.

The events in Scotland or England, during the remainder of queen Elizabeth's life, have small relation to the borders. The peace of France, after a long series of wasting wars, domestic and foreign, was restored by the treaty concluded at Vervins between the French and Spanish monarchs. Henry importuned Elizabeth to be a party in this peace; and Burleigh, her aged minister, supported Henry's advice, by the wisest reasons: but the martial and impetuous spirit of her favourite Essex, prevailed for the continuance of the war with Spain. Soon after, Burleigh, worn out with years, and the weight of affairs, finished his days; and was in a short time followed by Philip II. king of Spain; whose power, ambition, malignity to England, and superstitious attachment to Rome, had afforded continual exercise to the abilities and spirit of Burleigh and his mistress.

May 2. Camden.

Aug. 14.

Sept. 13.

The continuance of the war between England and Spain, was accompanied with the continuance of the rebellion of Tyrone, and his accomplices, in Ireland; which, from year to year, grew more formidable. It presented a tempt-

Elizabeth, Q. of England.

1598.

ing scene to the ambition of Essex. He solicited, and obtained, the chief command in that island; but this promotion, by the arts of his enemies left behind him at court, and his own temper, generous and brave, but unsubmitting to admonition or controul, wrought first his disgrace, and not long after, his death. His precipitate return from Ireland, made place for Charles Blount lord Mountjoy; who succeeding him in the command there, and conducting the war for three successive years with the greatest wisdom and courage, did, notwithstanding very considerable aids of men and money sent over to the rebels from Spain, reduce them to such distress and utter weakness, that a few days before Elizabeth's death, their cunning and obstinate leader Tyrone surrendered himself to the lord deputy; submitting his life and estate to the queen's mercy*.

While these things were transacting in queen Elizabeth's dominions, the king of Scotland was chiefly employed in measures tending to introduce the episcopal form of government into the church of that kingdom†; and in contending with the zealous opposition that was made to this project by many of his clergy. By restoring the estate of the church to its ancient place and power in parliament, he sought to augment his own influence in that court; and hoped also, by the help of prelates, deriving from his favour their elevation above the rest of their brethren, to render his clergy more obsequious, and to put an end to those rude attacks from the pulpit, and in judicatures, which had so often incensed and disturbed him.

A. D. 1599.

James was, at the same time, very attentive to the great object of securing his succession to the crown of England; for which purpose, besides endeavouring to engage foreign princes in his interest, he was complaisant to queen Elizabeth and her ministers, corresponded secretly with all classes of men in England, employed authors, and wrote himself to justify his title, and to give favourable impressions of his character and government. These endeavours, though in the main successful, were thwarted by some unlucky incidents. Valentine Thomas, an infamous man, about to be tried for a robbery, pretended to discover a plot of the Scottish king against Elizabeth's life. Elizabeth affected to give no credit to the information; but delayed the trial and punishment of the criminal, that the accusation might not be brought to the public ear and afford to ill disposed minds matter of suspicion and calumny. The queen's conduct, however in this affair, was displeasing to James; and produced from him reiterated complaints. He was likely to be hurt still more by a discovery, which the master of Gray made to Elizabeth, of a letter written in a strain of esteem and friendship by James to the pope. This appeared afterwards to be a fraud of Elphinston his secretary; but the king had nothing for the present to oppose to the charge and remonstrances on this subject by Sir William.

* In order to extinguish this war, the queen was, about a month before she died, with the greatest difficulty persuaded to sign a pardon to Tyrone; and her having done so, was believed to be a principal cause of that vexation of mind under which she laboured during the last days of her life. Tyrone knew nothing of this pardon when he delivered himself to Mountjoy.

† The first considerable public step made toward this, was in the parliament that sat in December 1597, which enacted, that ministers of the church, whom the king should promote to the dignity of abbots or bishops, should have a voice in parliament. Acts of parliament. Spotiswood.

liam Bowes, the English envoy, but the strongest asseverations of his innocence. Bowes, who had been often before employed at the Scottish court, incurred, at this time, the king's displeasure, by being suspected of directing the seizure and conveyance to Berwick, of one Ashfield, an Englishman*. This man, having become obnoxious to the laws of his own country, had the address to impose on the English warden; from whom he obtained a licence to pass into Scotland; and carrying with him some hunting horses to James, he was well entertained at his court. Some persons belonging to the English ambassador's train, decoyed Ashfield to Leith; where, having made him drunk, they put him into a coach, and sent him to Berwick. The king dispatched a messenger to the governor of that place, demanding the restitution of his guest; but the governor refused to give him up, until he should receive orders from his own court; which orders were never sent.

James VI. K. of Scotland. 1599.

Spotiſw. Camd.

The conspiracy of Gowry is one of the strangest, and most mysterious events in all history; but the odd, unimaginable circumstances with which it is related, are of no small weight to prove that it was not a fiction. Yet the affection of the popular churchmen to Gowrie and his brother, and their frequent experience of the king's proneness to feign and dissemble, when his political views seemed to require it, prompted them to express their discredit of this plot, in a manner so public and gross, as produced a new scene of troublesome strife between the king and them. In the beginning of the following year, the long and hardly restrained resentment of Essex, broke out in a wild effort to force his way into the queen's presence, and scatter his enemies who surrounded her. As soon as James was informed of the dissappointment of this rude enterprise, he dispatched the earl of Mar, and abbot of Kinloss, with his congratulations to the queen: and although they were instructed to accompany their congratulations with complaints about Valentine Thomas and Ashfield, yet they were well received by the queen; who made an addition at this time of £2000 *per annum* to the king's pension; and, which was of greater moment, these ambassadors are said to have brought home to their master assurances, from almost all the English nobles, of their resolution to support his succession to the throne of England.

A. D. 1600. Auguſt 5.

A. D. 1601. Feb. 8.

Spotiſw. p. 463 Camd.

Meanwhile the ferocity of the borderers, when restrained from discharging itself upon their ancient enemies of the opposite nation, ceased not to break forth into cruel outrages against their neighbours at home. To repress these acts of violence, it was found necessary, in the very last parliaments of England and Scotland, that were held under different sovereigns, to enforce the old, and frame new statutes. The Scottish parliament ordained, that none of the nobility or barons, who were charged, agreeably to precedings acts of parliament, with the keeping of pledges given by border chieftains for their good behaviour, should refuse, on any pretence of danger or inconveniency, to receive these pledges; and, in case of their escape, a penalty of £2000 Scots was imposed on their keepers. The statute of the English parliament was a longer one. It declared guilty of felony, and condemned to death and forfeiture,

Scot. Stat. 1600. c. ult.

Eng. Stat. 1601. c. 13.

* Camden calls Aſhfield *turbidi ingenii hominem.*

Elizabeth, Q. of England. 1561.

all within the counties of Northumberland, Cumberland, Westmoreland, or the bishopric of Durham, who violently made prisoners the persons of others, and extorted ransoms from them; all spoilers and fire-raisers, and all who, as the price of protection from such outrages, exacted what was called *black mail*, of whom were several men of name, who employed and supported the most notorious thieves and marauders in those parts; and, finally, those who agreed to pay this extortion. It also appearing that justice was brought into contempt, and that villains were hardened in their criminal courses, by the licence commonly assumed by outlaws in those counties, of appearing in the most public places of resort, and conversing securely with the inhabitants, it was enacted, that in time coming, when a sentence of outlawry was pronounced by the proper judges, it should be proclaimed at the sheriff courts, and in the principal towns of the border-counties; and that the proclamation should be from time to time renewed, until the offender delivered himself to justice: and all persons having friendly intercourse with the outlaws thus published, were to be punished by six months imprisonment. The justices of assize, and other lawful judges in criminal matters, were authorized to execute this act; but a salvo was adjoined for preserving inviolate the authority and jurisdiction of the lords wardens of the marches.

July. Dugd: Baron, vol. i. p. 409.

Peregrine lord Willoughby having enjoyed somewhat more than three years the government of Berwick, ended his life at that place. After his death, the charge of the town and garrison devolved to Sir John Carey, the late lord Hunsdon's second son; as holding the place of marshal, which was next in rank to that of governor. Carey was created warden of the eastern march; but it doth not appear, that the queen ever advanced him to the dignity of governor; though he continued to command the garrison in quality of principal officer, during the remainder of the queen's life. He had access to be well acquainted with the business of his charge, having been chamberlain to the garrison during several of the last years of the life of his father, and acted some time under him as deputy governor. He appears also to have been deputy governor during the interval between his father's death and the entrance of lord Willoughby to the office of governor.

Berwick Guild Books, and Council Book of Garrison.

A. D. 1602. A. D. 1603. Camd. Spotisw.

In the last winter of Elizabeth's life, when her health, which had formerly been very vigorous, was suffering a visible decline, James was solicited by some of his friends in England, and in particular by the earl of Northumberland *, who was then esteemed the most powerful of the English nobles, to secure his succession to Elizabeth's crown, by endeavouring to seize it while she was yet alive, and before any other pretender appeared. It was much to the honour, and probably not less for the interest of James, that he rejected all such counsels. He thanked Northumberland for his friendship and offers

* The present earl of Northumberland was Henry Percy, the eldest son and successor of the earl of the same name, who died in the Tower in 1583. The present earl went on board the queen's fleet to oppose the Spanish Armada in 1588. He was, at the time of the queen's death, by his spirit, abilities, and interest, accounted the only man in England qualified to be the head of a party. He was thoroughly attached to James, and secretary Cecil carried on his correspondence with this prince by his aid. Carte, from Beaumont's Letters, vol. iii. p. 698.

of service, but disapproved his dangerous advice, and desired the earl to send him no more letters of that strain. Soon after, the continuance of the queen's distress brought to a period her long and glorious life and reign; and her death opened the way to the peaceful succession of James as the heir of her crown and dominions.

James VI. K. of Scotland. 1603. March 24.

The first information of queen Elizabeth's death, was brought to king James by Sir Robert Carey. This gentleman, after attending almost five years his wardenship of the middle march, made a visit to the English court in the last winter of the queen's life. Perceiving her to be in a declining state, he waited the issue; and when her death was evidently approaching, he formed the resolution of being the first messenger of it to the king of Scotland, which purpose he made known to the king by a letter. He was prompted to make this offer of service by the particular favour which James had shewn him, when employed at his court; and the certain prospect of his office on the borders, which produced the principal part of his revenue *, coming to a period at the death of the queen, made it highly expedient for him to court the favour of her successor by the most early demonstration of attachment. Having therefore had the address and good fortune to make his escape from the lords of the council of England, who did not intend to employ him as their messenger, he set out on the forenoon of the day on which the queen died, and, pursuing his journey with great speed, arrived on the night of the following day at his house at Widdrington. He there gave proper directions to his deputies for preserving the quiet of the marches, in which they found considerable difficulty †; and by his order, the king of Scotland was proclaimed next day king of England, at Widdrington, Morpeth, and Alnwick. On the same day, this proclamation was also made at Berwick ‡, in consequence of intelligence sent to Sir John Carey, marshal of that place, by his brother Sir Robert; who having set early out on the morning of that day from Widdrington, came to Norham at noon. On his way between the places last named, he received a sore wound in his head by a fall and a stroke from his horse, which obliging him to move more slowly, he did not reach Edinburgh till the king had gone to bed. This circumstance could make no stop to the admission of the bearer of such high tidings; and Carey was the first who saluted James king of his new acquired dominions.

Carey's Mem. P. 170, 186.

March 25.

* His office of warden, with the pay allowed him for forty horse, amounted to more than 1000*l. per ann.* Mem. p. 191.

† Carey relates afterwards, that the east-border, on hearing of the queen's death, became very unruly, and that the distress he suffered by the wound in his head, hindering him from going in person to appease those disorders, he employed his deputies in that service, by whose care quiet was soon restored. Mem. p. 190.

‡ Besides the account in Stowe, this is evident from the copy of a letter in the Berwick archives, sent to the king from the mayor, alderman, and commons, of that town, bearing date the 26th of March. It is full of high-flown expressions of duty and attachment to their new sovereign; and informs him, that 'they had, with present expedition, and with what solemnity the leisure of time would afford, published and proclaimed his sacred majesty king of England, France, and Ireland; and entreats him to pardon such defects as by ignorance, omission or 'otherwise, by the straitness of time, had happened in the performance thereof."

As

James I. K. of England. 1603.

As James was to enter England by the way of Berwick, he sent on the second day after Sir Robert Carey's arrival, the lord abbot of Holyrood-house, to take possession of that place, and to receive the allegiance of the governor and mayor *. These officers cheerfully gave the required oaths, and delivered into the hands of James's messenger, the keys of the gates and mayor's staff, which were immediately returned, and assurances given in the king's name, of the charters, privileges, and liberties of the town being preserved inviolate. The alacrity and unanimity of the inhabitants and garrison, in recognising the king's title, presented an agreeable omen of the welcome reception awaiting him in his new kingdom. Sir Charles Percy, brother of the earl of Northumberland, and Thomas Somerset son of the earl of Worcester, were the messengers sent by the English council to notify to James the death of the queen, and the proclamation of him as her successor at London. And to entreat him to make no delay, in coming to take possession of his right. The king, on receiving this message, caused his new titles to be proclaimed at Edinburgh; and having, on the Sunday following, made a farewell speech to his people in the principal church of that city, he set out on the Tuesday towards England.

Stowe, p. 818

Spotiſwood.

April 5,

The royal retinue consisted of about five hundred persons on horseback; the council of England having advised the king, for the sake of avoiding disturbances, to content himself with a moderate number of attendants. Of this number, those of noble rank were, the duke of Lennox, the earls of Mar, Murray, and Argyle, and the lord Hume †. The king, on the first day of his journey, came to the house of the last named lord, at Dunglass, where he lodged, and was splendidly entertained. In his progress next day from Dunglass to Berwick, the cavalcade was joined by many of the kindred, name, and dependents of lord Hume. Many Englishmen also met him on the road, with their tributes of duty and congratulation. On his arrival at the Berwick boundary, he was received with every demonstration of reverence and welcome by the marshal Sir John Carey, accompanied by the officers of the garrison, at the head of their several bands of horse and foot. While these discharged vollies from their musquets, the cannons thundered from the walls, and loud acclamations of joy were raised on all sides.

Johnſ. Hiſt. Rer. Brit. p. 361, 362. Moyſ. Memoirs, p. 311, 312, 313.

As the king entered the gate, the keys of the town were delivered to him by William Selby, the gentleman porter; on whom the king conferred at that instant the honour of knight, and returned to him the keys. Proceeding to

* This meſſenger of the king did no doubt carry with him the king's anſwer to the town's letter or addreſs, of which anſwer a copy alſo remains in the town's archives. It is as follows. 'Truſty friends, we greet you heartily well. We render you thanks for your ſo dutiful affection, utter it in aſſiſting and concurring ſae willingly with your governor, in putting the town of Berwick in our hands, which we have appointit to be governed in the ſame form and manner as heretofore, while we adviſe otherwiſe to diſpoſe upon the ſame; aſſuring you always to find us a gracious and loving prince, wha ſal be careful to maintain your wonted liberties and privileges, and to ſee that the ſame be nae ways brangillit, nor otherwaies prejudget. Sua we commit you to God.' From Hallirude-houſe this 27th day of March, 1603.

To our truſty friends, the mayor and aldermen of our town of Berwick.

† Sir George Hume treaſurer, and Sir Robert Ker of Ceſsford, were alſo of this number.

the

the market-place, through the armed bands of the garrison, he was there received by Hugh Gregson the mayor, and his fellow-magistrates. The mayor presented to him a purse of gold and the town's charter, and Christopher Parkinson the recorder addressed him in a solemn congratulatory speech; all which honours he received very graciously, restoring the charter, and assuring the town of his favour and protection. The king proceeded next to the church, to give public thanks to God for granting him a peaceful entrance into his new kingdom. Toby Matthews, bishop of Durham*. was there to receive him; and preached on the occasion an eloquent sermon. From the church the king went to the palace, the cannons were again fired, bonfires kindled, and the town resounded with cordial and loud expressions of joy. James VI. K. of Scotland. 1603.

The king remained in Berwick all the following day; on which day, several nobles† from the southern parts of England, arrived to offer their duty, in the view of establishing themselves, or preventing rivals, in the favour of their new monarch. Accompanied with these and the officers of the garrison, he visited the fortifications, port, and magazines; and, while the officers and soldiers of the garrison were drawn up in martial array on the ramparts, he fired in their presence one of the great guns planted there. The same day, intelligence was brought of certain grievous robberies and riots committed by a body of two or three hundred banditti of the west-marches, who had spread their ravages as far as Penrith. To repress these outrages, the king sent from Berwick Sir William Selby, at the head of two hundred foot and fifty horse of the garrison. Henry Widdrington and William Fenwick were, at Selby's desire, joined in commission with him; and the king empowered them to require the assistance of all officers and fighting men both of the English and Scottish borders. By these means their forces were greatly increased in numbers, before they arrived at the place of their destination‡. The plunderers, terrified by the approach of so formidable a body, abandoned their habitations, of which many were blown up and burnt. A few of the offenders were taken, and sent to the castle of Carlisle, where they soon after suffered the just puuishment of their crimes. Stowe, p. 819.

On the day following, the king having made a present to the officers and soldiers of the garrison, and declared his grateful acceptance of the loyalty and affections of the inhabitants, set out from Berwick; and on his entering Northumberland, was received by Sir Nicholas Forrester, sheriff of that county. This was agreeable to a general order issued by the council of England, requiring the sheriffs of all counties through which the king should pass, together with the justices of peace and gentlemen of these counties, to receive their sovereign at his entering their county, and to accompany him in his progress through it, Forrester, on the day the king left Berwick, conducted him as far as Widdrington, where he was nobly entertained by Sir Robert Strype's Mem. Eliz: vol. iv. p. 375.

* Johnſton in Rer. Brit. Hiſt. calls him *ſui temporis diſcretiſſimus*, p. 363.

† Among theſe, was Henry Howard, brother to the late duke of Norfolk, and the lord Cobham.

‡ Stowe ſays, that they marched along the borders with a thouſand horſe.

Carey,

James I. K. of England. 1603.

Carey, to whom he had begun to shew his gratitude, by admitting him, while at Edinburgh, to be one of the gentlemen of his chamber.

The king proceeding by easy journies, and being from time to time stopt by the hospitality and fondness of his new subjects, spent a whole month in his journey from Berwick to London*. Ten days after his arrival in the capital, he issued a proclamation, requiring all those guilty of *the foul and insolent outrages* lately committed on the borders, to submit themselves to his mercy before the 20th of June, under penalty of being excluded from it for ever. Two days after this proclamation, he emitted another, declaring his fixed resolution to accomplish the union of the two realms; in consequence of which, the bounds possessed by the rebellious borderers, should no more be the *extremities* but the *middle*, and the inhabitants thereof reduced to a perfect obedience. He affirmed, that he had found in the hearts of his best disposed subjects of both realms, a most earnest desire of this union; and too confidently undertook that, with the advice of the estates and parliaments of both kingdoms, he would make it be perfected. In the mean time, he declared that he considered the two kingdoms *as presently united*; and required his subjects to view them in the same light, and, in consequence thereof, to abstain from mutual outrages and injuries of whatever kind, under the penalty of his highest displeasure, and of suffering the strictest rigours of justice.

May 17. Rym. vol. xvi. p. 504.

Rym. ib. p. 506.

One of the chief distresses of the former part of James' life, had been the ferocity and outrages of the inhabitants of the marches; which, while only king of Scotland, he was often not able either to restrain, or to punish as they deserved. His sense of this inability, he plainly enough insinuates in the last mentioned proclamation; and when now he had attained the power of taming that lawless race, he was resolved to exert it effectually, and without delay. The union of the two crowns of England and Scotland in him as the lawful heir, with the ready and universal acknowledgment of his right by his English subjects, flattered his vanity extremely; and he was earnestly desirous of completing this glory by effecting an entire coalition and indissoluble concord between the nations†. But he marred his project by pursuing it with too great haste and keenness, and expressing too much confidence of its success. His countrymen hurt it by their avidity of English wealth and honours, which was much encouraged by their master's unbounded liberality to his favourites, and his weakness in yielding to the importunate. The English on the other hand, regarded every thing given to the Scots as stolen from themselves; and proud of their greatly superior wealth and dominion, soon began to treat the king and his countrymen with insolence and contempt. The Popish and puritanical parties also, to both of whom the king shewed an irreconcilable aversion, ever strove to distress him and thwart all his designs. These circum-

* James, in his speech about the union, to his parliament, March 31, 1607, says, That he was received of the English with joy, and came as in a hunting journey. Parl. History, v. 191.

† The *conceit* pleased him of turning the *extremities* of his kingdom into its *middles* and, as he elsewhere expresseth it, of rendering the *middle part*, and as it were, *the heart* of his royal empire, the example and pattern of civility and obedience to all the rest of it. MS. commission to justiciars on the Scottish marches in 1605.

stances,

stances, added to the remains of ancient rancour and prejudices, combined to disappoint James' very laudable purpose of an union between his kingdoms. James VI. K. of Scotland. 1603.

Soon after his arrival at London, he gave a commission to George Clifford earl of Cumberland, a nobleman who had acquired high military fame in the wars of the late queen; appointing him warden of the west and middle marches towards Scotland, with the most extensive powers, and also lieutenant-general of the counties of Cumberland, Northumberland, and Westmorland, and of the town and county of Newcastle on Tyne*. With this office of warden was connected that of keeper of Tindal and Ridesdale in Northumberland, of the castle of Harbottle in Ridesdale, as well as of keeper, governor, or captain-general of the city and castle of Carlisle, and of the king's demesne-lands, usually possessed by the keepers of these castles. Power was given to him of appointing deputies and officers under him, and salaries were assigned both to him and them. This commission of Cumberland did not extend to the eastern march, nor was Berwick subjected to his lieutenancy. Probably Sir John Carey's power in that town and the march adjacent, continued until the dissolution of the Berwick garrison, which was not affected till some months after. Rymer.

In the end of July, Alexander lord Home, who had long enjoyed much of the king's favour, was appointed chief justiciary, and lord lieutenant over the three marches of Scotland. As justiciary, he had power to hold courts and to impose fines for non-attendance, or as penalties of offences; all which fines, and other forfeitures, he was empowered to levy for his own use, without making any account to the king. He was authorised to appoint all officers under him. In case of the flight, or forcible resistance of offenders, he was empowered to raise and arm a sufficient number of the king's subjects, to pursue the criminals, and to assault any house or place of strength where they were harboured. With the advice of the persons of chief rank in his district, he had power to establish laws and regulations for the order and peace of the county, together with proper sanctions to enforce them. He was also empowered to execute the laws for extinguishing deadly feuds. The salary annexed to this great office, was a thousand merks sterling *per ann.* which, for the better security of its payment, was, *to be perceived, had and taken out of the king's exchequer of England;* and to shew that the profit of the nobleman was no less the object of this commission, than the performance of the service for which he received it, the king was pleased farther to grant, that in case the MS. Council-book.

* It is probable, that this was the laſt commiſſion of warden of the marches. Cumberland's charge as defined is above in p. 669, 727. viz. to be the ſame as in the reign of Richard II. and in all the reigns downward from that. His juriſdiction, privileges, and profits, are declared to be the ſame with thoſe of John duke of Northumberland, Henry late marquis of Dorſet and duke of Suffolk, Henry earl of Cumberland, Thomas late lord Dacre, Henry late baron of Hunſdon, Henry late lord Scroope, Thomas now lord Scroope, Sir Robert Bowes, or Sir Robert Carey. His ſalary was 1200 merks, 600 for the weſt march, 500 for the middle march, and 100 for the city and caſtle of Carliſle. His deputies and ſerjeants had the ſame allowance of wages as above, p. 727. He was allowed pay for twenty horſemen to garriſon Carliſle, at the rate of 10 merks each, and for three turnkeys, one at each gate at 26*s.* 8*d.* each *per ann.* Rym. vol. xvi. p. 510. Probably the commiſſion of warden has been given him, as entitling him to the ſtated appointments of that office. No revenue is aſſigned to him as lord-lieutenant.

James I K. of England. 1603.

commission should be revoked or made void, the lord Home should possess the like sum of 1000 merks, payable out of the English exchequer, until such time as the king or his successors should bestow upon him a gift or benefit of equal or superior value. It is needless to mention the censures which such a commission and grant would incur, especially from an Englishman.

The king, in pursuance of his favourite purpose of extinguishing all memory of past hostilities between his kingdoms, and, if possible, of the places that had been the principal scenes of these hostilities, prohibited the name of *borders* any longer to be used, substituting in its place that of the *middle shires*. He ordered all the places of strength in these parts to be demolished, except the habitations of noblemen and barons; their iron gates to be converted into plough-shares, and the inhabitants to betake themselves to agriculture, and the other works of peace. In the same spirit he broke the garrisons of Berwick and Carlisle. The former of these was reduced at Christmas of this year to a company of a hundred men; of whom William Bower was appointed captain.

Berwick Guild Book.

The accession of James to the crown of England, and both kingdoms thus devolving on one sovereign, was an event fruitful of blessings to each nation. The borders, which for many ages had been almost a constant scene of rapine and desolation, enjoyed, from this happy æra, a quiet and order which they had never before experienced; and the island of Britain derived from the union of the two crowns, a tranquillity and security hitherto unknown, and was enabled to exert its whole native force. National prejudices, and a mutual resentment, owing to a series of wars betwixt the kingdoms, carried on for centuries, still however subsisted; and, as is above related, disappointed James' favourite scheme of an entire and indissoluble union. From the same source also arose frequent disputes and feuds upon the marches, which by the attention of the sovereign were soon and easily composed; and are not of moment enough to merit a particular relation. But it required almost an hundred years, though England and Scotland were governed all the time by a succession of the same princes, to wear off the jealousies and prepossessions of the formerly hostile nations, and to work such a change in their tempers and views, as to admit of an incorporating and an effectual union. This union at last took place, in the memorable year 1707; since which period Britain has enjoyed so much domestic felicity, and has been so much respected abroad, that every unprejudiced mind must be sensible of the unspeakable advantages of this great event.

# INDEX.


A

*ABERDEEN*, the city of, burned by king Edward III. Page 324.

*Adrian's* rampart built, 2.

*Agricola*, Julius, the firſt who penetrated into the northern parts of Britain, his conqueſts, 1.

*Aidan*, biſhop of Lindisfarn, his piety and paſtoral virtues, 20. A worker of miracles, 21. His ſucceſſors, 23, 42.

*Albany*, duke of, is governor of Scotland on the captivity of the young king James I. 378. His ambition prolongs the impriſonment of the king, 381. His ſon Murdoch exchanged for Henry Percy, 384. Invades the borders, 385. Dies, 386.

*Albany*, Alexander duke of, negociates with Edward IV. and aſſumes the title of king of Scotland, 443. Submits, and is declared lieutenant of the kingdom, 444. Revives his pretenſions, and treats with Edward, 445. Is defeated at Lochmaben, 447. Dies in France, 451.

*Albany*, John Duke of, was born and educated in France, 497. Is made regent of Scotland, 498. Arrives and is confirmed in his office, 499. Takes the young king James V. out of the hands of his mother, 500. Concludes a treaty with Henry VIII. 503. Seizes lord Home, 504. Viſits France, 506. Returns, 512. The Scottiſh nobles refuſe to accompany him in his Engliſh expedition, 514. Brings forces from France, 516. Attempts the caſtle of Wark, 517. Is forced to retire to France, by the combinations againſt him, 519. Is formally depoſed, 521.

*Alberic*, biſhop of Oſtia, legate a latere from pope Innocent II. exhorts the Scots to wage war with more humanity, 84. Mediates a peace between England and Scotland, 85.

*Alexander* I. king of Scotland, marries Sybilla, natural daughter of Henry I. king of England, 74.

*Alexander* II. king of Scotland aſſiſts the northern barons againſt king John, 123. Revenges his quarrel with John, on the inhabitants of the northern counties, 124. Pays homage to prince Louis at Dover, 125. His treaty with Henry III. 128. Marries Henry's ſiſter Jane, 129. Suppreſſes a rebellion in Galloway, 131. Conference between him and Henry, 133. Peace concluded, 137.

*Alexander* III. king of Scotland marries the princeſs Margaret of England, 142. Great change in his council and officers, 146. Viſits Henry at Woodſtock, 148. Is ſeized by the earl of Monteith, 149. Purchaſes of Magnus king of Norway, his claim to the Weſtern Iſles 153, *note*. Attends the coronation of Edward I. king of England, 157. Performs homage to Edward, 159. Loſes all his children, 162. Marries again and dies, 163.

*Alfred*, king of England, his ſucceſſes againſt the Danes, 43.

*Alnwick*, Malcolm Canmore king of Scotland, killed at the ſiege of the caſtle of, 70. The town burned by James Douglas, 407. The caſtle taken by queen Margaret, 426. Re-taken by the earl of Warwick, 427. Truce negociated there between England and Scotland, 435.

*Ancrum*, the village of, burned by the Engliſh, 568.

*Ancrum-moor*, battle of between the earl of Angus, and the Engliſh under Sir Ralph Eure and Sir Brian Laiton, 553.

*Andrews*, Sir John Hamilton archbiſhop of, hanged, 640. Convention of eſtates held there on an alliance with England, 664.

*Angus*, earl of, marries Margaret queen-dowager of Scotland 497. Goes into voluntary baniſhment to France, 512. Returns to England, 520. Is admitted into the Scotch privy council, 523. Seizes the powers of adminiſtration, *ibid.* Awes the queen's party, 525. Is divorced from the queen, 526. Defeats the earl of Lennox, 527. Is forced to take refuge in England, 528. Returns to Scotland, 543. Saves the Scotch artillery when the earl

earl of Arran deſerted his army at Coldingham, 551. Defeats the Engliſh at Ancrum-moor, 553.
*Angus*, Archibald earl of, violently ſeizes and hangs ſix domeſtics of James III. 443. Acts as head of the rebellion againſt him, 459.
*Angus*, William Douglas earl of, defeats the earl of Northumberland near the mountains of Cheviot, 401.
*Anleff*, the Norwegian king of Northumberland, is baptiſed, 47.
*Argyle*, the young earl of, is defeated by the Popiſh lords, 686.
*Armada*, Spaniſh, 672.
*Arran*, James Hamilton earl of, obtains the regency of Scotland, with the care of the infant queen Mary, 543. Beſieges the Engliſh in Coldingham Abbey, but deſerts his army in a panic, 551. Is defeated by the duke of Somerſet at Preſton Pans, 561. Agrees to ſend the queen over to France, 565. Makes a progreſs to regulate the borders, 578. Is created duke of Chatelherault, 583. See *Chatelherault*.
*Arran*, earl of, ſon of the duke of Chatelherault is forced from France by the Guiſes, for his attachment to the Reformation, 596. Joins the reformers in Scotland, 597.
*Arran*, captain James Stewart, ſon of lord Ochiltry, created earl of, 655. Accuſes the earl of Morton to James VI. of being concerned in the murder of his father, *ibid.* Is taken into cuſtody, 658. Is reſtored to his former power, 659. Courts the favour of queen Elizabeth, 660. Is diſgraced, 664. Accuſations laid againſt him by the aſſociated lords, 665.
*Arthur*, a warlike Britiſh king, 14.
*Arthur*, duke of Britanny, is declared ſucceſſor to the crown of England, by his uncle Richard I. but deprived by his uncle John, 111. Is ſeized and murdered by John, 114.
*Arthur*, prince of Wales is contracted to the princeſs Catharine of Arragon, 468.
*Athelſtane*, king of England, his ſucceſſes againſt the Danes and Scots, 46.
*Athol*, David earl of, retires in diſguſt from the court of king Edward Baliol, 313. Is forced to ſurrender to the earl of Murray, who intruſts him with the lieutenancy of the North, 315. Submits to Edward III. and Baliol, 318. Is routed and killed by Sir Andrew Murray and others, 320.
*Athol*, Patrick earl of, cruelly burned in his lodgings by the Biſſets, 136.
*Aymer de Valence*, is made governor of Scotland by Edward II. 232 243.
*Ayton*, a truce concluded there between England and Scotland, 354. The caſtle of, taken by the earl of Surrey, 468. Another truce concluded there, 469.

B

*BABINGTON's* conſpiracy diſcovered by ſecretary Walſingham, 668.
*Baliol*, Edward, is inſpired with the deſire of attempting to gain the crown of Scotland, by the lord Henry Beaumont, 296. Invades Scotland, 297. Is crowned at Scone, 299. Declares his treaty with Edward III. 300. Is expelled, 301. The whole kingdom ſubmits to him, 310. Ratifies his engagements to king Edward III. 311. Performs homage to him, 312. His extenſive grants to Edward, *ibid.* Diſguſts his great men by inconſiſtent conduct, 313. Is driven out of Scotland, 314. Invades Scotland in conjunction with his patron king Edward, 316. Is again forced to take refuge in England, 329. Inſtances of the poverty to which he was reduced, 330. Makes a formal ſurrender to Edward, of his whole right to the kingdom of Scotland, 342.
*Baliol*, John, foundation of his pretenſions to the crown of Scotland, 170. Acknowledges the ſovereignty of Edward I. over the crown of Scotland, 174. His plea, 180. Is declared the rightful king of Scotland, 183. His dependant ſtate, 186. Is haraſſed by ſummons to anſwer appeals in England, 188. Is ſummoned to aſſiſt Edward in his war with France, 190. His treaty with France, 191. Commences war with Edward, 194. Renounces his homage to Edward, 196. Is defeated by Edward, 198. Is reduced to ſubmiſſion, 199. Is with his ſon ſent to London, and detained in cuſtody, 200. Is delivered up to the pope's nuncio, 212. His death, 226.
*Bamburgh*, ancient deſcription of, 35, *note*. The caſtle of, taken by Edward IV. 426. Is ſurpriſed by Sir Ralph Gray, 427.
*Barnet*, battle of, between Edward IV. and the earl of Warwick, 434.
*Bannockburn*, battle of, between Edward II. and Robert Brus, 245.
*Barons*, Engliſh, are ſtimulated by archbiſhop Langton to claim of king John, the liberties granted by Henry I. 121. Extort *Magna Charta* and the charter of Foreſts from him, 122. Thoſe of Northumberland and Yorkſhire league with Alexander II. king of Scotland, againſt John, 123. Offer the Engliſh crown to prince Louis of France, 124. On John's death return to their allegiance to his ſon Henry, 125. Aſſociate againſt him under Simon de Montford earl of Leiceſter, 150. Battle of Lewes, 154. Battle of Eveſham, *ibid.*

Refuſe

Refuſe to aſſiſt Edward I. in his expedition to Gaſcogne, 202. Obtain a ratification of the Great Charter, 209. Obtain additional ſecurities for their liberties. 214. Oblige Edward II. to baniſh Gaveſton, 234. Lords ordainers appointed, 236. Put Gaveſton to death, 240. Unite againſt the Deſpenſers, 267.

*Barton*, Andrew, a Scotch ſea officer, his ſhips attacked by the Engliſh, 480: Is commiſſioned to make repriſals, 482.

*Beaton*, Cardinal, endeavours to ſeize the reins of government under the infant queen Mary, 543. His intrigues, 546. Is murdered, 556.

*Beaumont*, lord Henry, is reſtored to his eſtate and honours, on the death of Roger Mortimer, 292. His wealth and family connexions, 295. Is the chief perſon in ſtimulating Edward Baliol to aſſert his pretenſions to the crown of Scotland. 296. Receives ill treatment from him, and leaves his court in diſguſt, 313. Is taken priſoner in his caſtle of Dundarg, 314.

*Becket*, Abp. murdered at Canterbury, 94.

*Bede*, his account of the origin of the Scotch nation, 7, *note*. His character of the Scotch biſhops, 24. His epitaph on St. Wilfrid, 31, *note*.

*Bedford*, Francis Ruſſel earl of, appointed governor of Berwick, and warden of the Eaſt marches, 614. Encourages depredations on the Scotch borders, 618. Is ſent ambaſſador to Scotland, to aſſiſt at the baptiſm of prince James, 622.

*Bedford*, John duke of, is made lord lieutenant of England, during the abſence of Henry V. in France, 382. Obtains the adminiſtration of affairs in France for his young nephew Henry VI. 387.

*Benhale*, Sir Robert, kills Turnbull a gigantic Scotſman, 308.

*Bernard*, D'Abbeville, founds the monks of the order of Tirone, 76.

*Bernicia*, the Saxon kingdom of, its ancient limits, 15, *note*.

*Berwick*, derivation of the name of that town, 15, *note*. When firſt built, 39. Diſpute between the Scotch governor of, and the biſhop of Durham, concerning the rebuilding the bridge, 113, *note*. Barbarous treatment of the inhabitants of, by king John, 123. Is taken by Edward I. 195. A parliament called there by Edward, 200. An exchequer eſtabliſhed there, 202. Is ſeized by Sir William Wallace, 207. Is recovered by earl Warenne, 209. Is taken by Robert Brus, 257. Is beſieged by Edward III. 303. Surrenders, 309. The caſtle, town, and county of, granted by Edward Baliol to Edward III. 312. The town ſurpriſed by the Scots, 341. Is recovered by Edward, 342. Is again ſurpriſed by the Scots, 349. Is reduced by the earl of Northumberland, 350. Is betrayed to the Scots and again recovered by the earl, 355. Is ſurrendered to the Scots by Henry VI. then a refugee in Scotland, 424. Is reſtored to England by treaty, 444. A truce concluded there between England and Scotland, 524, 529. Alterations made in the fortifications there, 574. Engliſh and Scotch commiſſioners meet there, to ſettle border diſputes, 579. The ſtate of, deſcribed by lord Wharton, 589, *note*. Queen Elizabeth's early care for the defence of, 592. A treaty concluded there between the duke of Norfolk and the Scotch reformers, 599 Regulations made for the garriſon of, by the lords Hunſdon and Huntingdon, 652 Treaty of friendſhip concluded there between queen Elizabeth and James VI. 667. The garriſon of, broke by James I. 706.

*Billy Myre*, a truce concluded there between the Engliſh and Scots, 356.

*Blackheath*, the Corniſh rebels defeated there by the lord Dawbeny, 468.

*Blackmail*, prohibited by the Engliſh parliament, 700.

*Blois*, a defenſive treaty ſigned there between England and France, excluſive of Scotland, 644.

*Bloreheath*, battle of, between the earl of Saliſbury and lord Audley, 420.

*Borderers*, the law of evidence in diſputes between, 664. Regulations eſtabliſhed by the commiſſioners at Carliſle to preſerve peace among, 690.

*Borders*, the laws and cuſtoms, ſubſtance of 138. The name of prohibited by James I. of England, and that of middle ſhires ſubſtituted in the ſtead, 706.

*Bothwell*, earl of, makes an inroad on the Engliſh borders, and defeats Sir Henry Percy. 591. Seizes money ſent from England to the Scotch reformers, from the laird of Ormeſton, 596. Is made lieutenant of the Scotch marches, 618. The queen diſcovers an immoderate attachment to him, 621. Is thought to have contrived the murder of the king, 623. Is married to queen Mary, *ibid*. The nobles aſſociate againſt him and confine the queen, 624.

*Bothwell*, Francis earl of, grandſon of James V. has a correſpondence with the exiled Scotch lords, 660. Aſſociates with them againſt the earl of Arran, 665. Propoſes to revenge the execution of queen Mary, by an invaſion of England, 672. His declaration to the duke of Parma's agent, 673. Is proſecuted for witchcraft, 676. Is proclaimed a traitor and outlawed, 677. Attempts to ſeize the king, 678. Extorts a pardon from him, 681. Defeats a ſmall troop ſent by the king under lord Home, 684. Dies at Naples, 686.

*Boulogne*,

*Boulogne*, is beſieged by the French, 569. Peace concluded there between England and France, including Scotland, 570.
*Brankſton*, a ſkirmiſh there between the Engliſh and the Scots, 519.
*Brigantes*, the people ſo named pointed out, 2, *note*.
*Britain* the firſt authentic accounts of, given by the Romans, 1. The model of its government under Conſtantine the Great, 6. Evidence of the great progreſs of Chriſtianity in, under his reign, 7. Names of the four ſouthern provinces of, 9, *note*. The Romans there elect an Emperor for their own protection, 11. The iſland deſerted by the Romans, 12. The Britons haraſſed by the Scots and Picts, 13. See *Vortigern*, *Saxons*, *Danes*, and *Normans*.
*Broughty Craig*, is taken by the Scots, 569.
*Brus*, David, is married to the princeſs Joan, ſiſter of king Edward III. 289. Succeeds to the crown of Scotland, 290. Is expelled the kingdom by Edward Baliol, 310. Returns to Scotland, and ravages the northern counties of England, 332. A truce concluded between him and Edward, 333, 335. Makes a diverſion in the north of England, at the deſire of the king of France, 336. Is defeated and taken priſoner by queen Philippa, at Neville's Croſs, 337. Treaty for his ranſom, 344. Dies, 347.
*Brus*, Edward, brother to king Robert, beſieges Stirling caſtle, 241. Which ſurrenders, 247. Ravages the north of England, 248. The crown of Scotland ſettled on him and his heirs, 249. Is crowned king of Ireland, *ibid*. Is deſtroyed at the battle of Dundalk, 260.
*Brus*, Robert, prepares to aſſert his pretenſions to the crown of Scotland, immediately on the death of queen Margaret, the maid of Norway, 169. Foundation of his claim, 170. Acknowledges the ſovereignty of Edward I. over the crown of Scotland, 174. His plea, 180. Produces another in a different form, 182. Judgment given againſt him, 183.
*Brus*, Robert, grandſon of the former, kills John Comyn of Badenoch, 226. Is crowned king of Scotland at Scone, 227. Is totally routed, 228. His party ſeverely puniſhed, 229. Appears again ſuddenly at the head of a hardy band, 230. Makes great progreſs in ſubduing Scotland, 234. Compleats the reduction of the kingdom, 239. Ravages the north of England, 240. Takes Roxburgh and Edinburgh caſtles, 241. Gains the battle of Bannockburn, 245. Goes to aſſiſt his brother in Ireland, 252. Carries on a ſecret correſpondence with the earl of Lancaſter, *ibid*. Seizes Berwick. 257. Is excommunicated, 260. Makes a truce with Edward, 264. Makes an inroad into Lancaſhire, 270. His ſon David born, 275. Articles of a truce between him and Edward, *ibid*. Breaks the truce, 283. Purchaſes of king Edward III. a renunciation of all claim to ſovereignty over Scotland, 287. Treaty of peace and marriage with England, 288. His death and character, 290.
*Buccleugh*, the laird of, aſſaults the caſtle of Carliſle, and releaſes William Armſtrong a Scotch priſoner there, 688.
*Buchan*, counteſs of, how puniſhed by Edward I. 229.
*Buchanan*, George, his deſcription of the caſtle of Wark, 516.
*Bullock*, William, chamberlain of Scotland under Edward Baliol, ſurrenders the caſtle of Cowper, and ſwears fealty to David Bruce, 329. His ſcheme to ſurpriſe the caſtle of Edinburgh, 330.
*Burghs*, Royal, the firſt in Scotland, 88.
*Burnt Candlemas*, why ſo diſtinguiſhed, 343.

## C

*CALAIS*, an interview there between Henry VIII. and Francis I. 508. Is finally taken by the French, 589.
*Caledonians*, diſtinguiſhed from the Mæatæ, 4. Derivation of their name, 8, *note*.
*Cambray*, peace of, between France and Spain, 592.
*Canute*, the Dane, obtains poſſeſſion of all England, 53.
*Carauſius*, aſſumes the purple in Britain, 5. Is acknowledged by Diocleſian and Maximilian, as a colleague, 6. Is murdered, *ibid*.
*Carey*, Sir John, is intruſted with the care of Berwick, on the death of Peregrine Bertie lord Willoughby, 700.
*Carey*, Sir Robert, is ſent ambaſſador from the court of England to apologize to James VI. for the execution of his mother queen Mary, 669. His vigilant conduct in preſerving peace on the borders, 696. Contrives to be the firſt meſſenger to acquaint James VI. of his acceſſion to the crown of England, 701.
*Carliſle*, deſtroyed by the Danes, is rebuilt by William Rufus, 69. Is burned by Sir William Douglas, 335. Martial conduct of the biſhop, 336. A convention ſigned there by Engliſh and Scotch commiſſioners, to prevent diſorders on their borders, 669. A Scotch robber, William Armſtrong, releaſed from the caſtle of, by the laird of Buccleugh, 688. A meeting of commiſſioners held there to redreſs diſorders in the marches, 689. Articles agreed to by them, 690. The garriſon of, broke by James I. 706.

*Carmichael*, Sir John, ſkirmiſh between his men and thoſe of Sir John Forreſter, at the Red Swire, 650. Is ſent priſoner to England, but diſmiſſed honourably, 651.
*Carrick*, earl of, meets John duke of Lancaſter to treat about border affairs, 351. Succeeds to the crown of Scotland, 358. See *Robert* III.
*Ceolwulf*, king of Northumberland, reſigns his crown and turns monk, 34.
*Charles* V. emperor of Germany, his diſputes with Francis I. of France, 511. Viſits England, 513. Defeats, and takes Francis priſoner at Pavia, 522.
*Chatelherault*, duke of, (ſee *Arran*.) Goes over to the reformed party in Scotland, and negociates with the Engliſh court, againſt the ambitious views of France, 596.
*Clarence*, George duke of, marries the daughter of the earl of Warwick, 432. Deſerts Warwick at the battle of Barnet, 434. Falls a victim to the reſentment of the queen and her party, 440.
*Clergy*, primitive Scotch, their diſintereſted piety, 24.
*Coldingham*, the monaſtery of, burned, 33. Remarkable ſtory of the ſecond burning of, 41, *note*. Is annexed to the convent of Durham, 72. The Engliſh ineffectually attacked in the abbey there, by the earl of Arran, 651.
*Coldſtream*, a truce concluded there between England and Scotland, 460.
*Columba*, St. the image of, an excellent protection to the monaſtery of Inchcolm, 319, *note*.
*Commodus*, emperor, aſſumes the appellation of Britannicus, 3.
*Conſtantine* the Great, the model of his Government, 6.
*Convention* at Saliſbury for the protection of Margaret of Norway queen of Scotland, 165.
*Copland*, John, a Northumbrian eſquire, takes king David Brus priſoner at the battle of Neville's Croſs, 338.
*Coſpatrick*, obtains the earldom of Northumberland from William the Conqueror, 60. Is deprived and takes refuge in Scotland, 63.
*Coventry*, a truce concluded there between England and Scotland, 419.
*Creſſingham*, Hugh, is made treaſurer of Scotland by Edward I. 202. Is killed in an action with Sir William Wallace, 206. His body indignantly treated by the Scots, 207.
*Creſſy*, memorable battle of, gained by Edward III. and his ſon the Black Prince, 336.
*Crima*, cardinal John of, the firſt who ever entered Scotland with a legatine commiſſion, 75.
*Cumberland*, the county of, preſented by Edmund king of England, to Malcolm king of Scotland, 46. Why not included in Doomſday book, 67. The county of, ravaged by James Douglas lord Balveny, 407.
*Cumberland*, George Clifford earl of, is appointed by James I. of England, warden of the weſt and middle marches, lieutenant general of Cumberland, Northumberland, and Weſtmoreland, and of Newcaſtle upon Tyne, 705.
*Cuthbert*, St. particulars of his life, 26.

## D

*DACRES*, Leonard, aſſembles a number of banditti and raiſes an inſurrection on the borders, 633. Is defeated by lord Hunſdon; 634.
*Dalkeith*, the caſtle of, taken by lord Grey, 564.
*Danegelt*, occaſion of levying that tax, 51.
*Danes*, their firſt deſcent in Britain, 36. Account of them, 40.
*Darcy*, Sir Anthony, is made warden of the eaſt marches by the duke of Albany, 505. Is murdered by the Homes, 507.
*Darcy*, Sir Arthur defeats the Scots on the borders, 532.
*Darnley*, Henry lord, queen Mary's motives for marrying him, 616. Marries her and is declared king of Scotland, 617. Murders David Rizio, 620. Is murdered himſelf, as was ſuppoſed by the earl of Bothwell, 623.
*David* I. King of Scotland why highly praiſed by the monks, 74. Introduces monaſteries of the order of Tirone into Scotland, 76. Supports the pretenſions of his niece the empreſs Maud, to the crown of England, 78. Concludes a peace with Stephen, *ibid.* Founds the monaſtery of Mailros 79, Invades Northumberland, 80. Is routed at the battle of the Standard, 83. Cultivates the uſeful arts, 86. His pious foundations, 87. Incorporates boroughs, 88. Death of him and his ſon Henry, 89.
*Davilon*, Secretary, is fined in the ſtar chamber for diſpatching the warrant againſt Mary queen of Scots, 670.
*Dawbeny*, lord, defeats the Corniſh rebels at Blackheath, 468
*D'Ayala*, Peter, the Spaniſh ambaſſador to the Scottiſh court, mediates a truce between James IV. and Henry VII. 468.
*Debatable* land, is parted between the kingdoms of England and Scotland, 573. Ordered to be divided and perpetual boundaries and land-marks fixed between the two kingdoms, 614.
*Deſpenſer*, father and ſon, favourites of king Edward II. the barons unite to oppoſe them under the earl of Lancaſter, 267. The father created earl of Wincheſter, 269. Are both ſeized and executed, 281.

*D'Eſſé*, Sieur, a French general makes an attempt on Haddington, 565. His inroads on the Engliſh borders, 567. Returns to France, 569.
*Donald Bane*, uſurps the crown of Scotland, 70. Is diſpoſſeſſed by Edgar, 72.
*Douglas*, lord, has the cuſtody of the marches conferred on him, 253. Makes an inroad into Yorkſhire, 259, 263. Makes an attempt to kill Edward III. 284. Is killed in Spain, 295.
*Douglas*, lord Archibald, is defeated and killed by Edward III. at the battle of Haledon-hill, 309.
*Douglas*, Archibald earl of, is defeated and taken priſoner by the Percies at the battle of Homeldon, 371. Is taken priſoner by Henry IV. at the battle of Shrewſbury, 373. Breaks his faith with Henry, 379. Makes his peace with Henry, 380. Makes an inroad on the Engliſh borders, 386. His league with Henry V. 387. Dies in France, 388.
*Douglas*, James earl of, defeats lord Percy at the battle of Otterburn, takes him with his brother, priſoners, but loſes his own life, 357.
*Douglas*, James of Abercorn earl of, is made warden of the marches, 405.
*Douglas*, James earl of, is appointed plenipotentiary at the court of England, 415. Rebels, and is forced to take refuge in England, 416. Receives a penſion from England, 417. Rebels again, and is again driven to England, 418. Is made keeper of the caſtle of Craigfergus, 429, *note*. Is taken priſoner at Lochmaben, 447.
*Douglas*, William earl of, is decoyed into the caſtle of Edinburgh, and there murdered, 405.
*Douglas*, William earl of, marries his couſin Beatrix, and engroſſes the whole power of government, 406. Reſtitution made out of his eſtate to perſons injured by him, during his pilgrimage to Rome, 412. Enters into private negociations with the Engliſh court, *ibid.* Is ſtabbed by James II. 415.
*Douglas*, Sir William, ſurpriſes the caſtle of Edinburgh for David Bruce, 330. Reduces Stirling caſtle, 331. His cruel murder of Sir Alexander Ramſay, 335. Invades Weſtmoreland, *ibid.*
*D'Oyſel*, the French king's lieutenant in Scotland, endeavours to rebuild the fortreſs at Eyemouth, 585. Is prevented by the Scots nobles from beſieging the caſtle of Wark, 587.
*Drury*, Sir William, marſhal of Berwick, commands the army that attended the earl of Lennox to Scotland, 638. Is ſent to Edinburgh to mediate a peace between the contending parties, 641. Is ſent again with Le Croc, on the ſame errand, 645. Undertakes to reduce the caſtle of Edinburgh, on conditions between him and the earl of Morton regent, 648. Reduces the caſtle, 649.
*Dryburgh*, the monaſtery of, founded, 87.
*Drythelme*, monk of Mailros, his ſevere bodily mortifications, 33, *note*.
*Dumfries*, the town, caſtle, and county of, granted to Edward III. by Edward Baliol, 312. The town burned, 384. Is plundered and burned by the earl of Suſſex, 639.
*Dunbar*, battle of, between John Baliol and the earl of Warrenne, 198. The caſtle of, beſieged by the lord Montague, 325. The ſiege raiſed, 327. Is reduced by James III. 453. Is burned by the earl of Hertford, 548. Is burned again by the German ſoldiers under the earl of Shrewſbury, 565. The caſtle of, taken by the earl of Murray from Bothwell's dependents, 627.
*Dunbar*, Patrick earl of, ſerves in the army of Edward I. of England, againſt John Baliol king of Scotland, 197.
*Dunbarton*, the caſtle of, ſurpriſed by the earl of Lennox, regent, 640.
*Dunglaſs*, the caſtle of, taken and demoliſhed by the duke of Somerſet, 560. Is ſurrendered to the Scots by the peace, 571.
*Dunſe*, meeting of Engliſh and Scots commiſſioners there, on border diſputes, 584. Is burned, 589.
*Dunſtan*, abbot of Glaſtonbury, particulars of his hiſtory, 48. Is made abp. of Canterbury, 49.
*Durham*, election of a biſhop ſtrongly conteſted there, 86, *note*, 132, *note*. Anthony biſhop of, is appointed lord lieutenant of Scotland, during the minority of the queen Margaret and prince Edward of England, 168.
*Durham*, a ſeven years truce concluded there between France and England, 389.

## E

*EADBERT*, king of Northumberland, reſigns his crown, and turns monk, 35.
*Eaſter*, early diſputes concerning the proper time of celebrating it, 22.
*Eaſterwin*, joint abbot of Weremouth, his laborious courſe of life, 30, *note*.
*Ebba*, abbeſs of Coldingham, tragical ſtory of her and her nuns, 41, *note*.
*Eddrington*, the fortreſs of, reſtored by Henry VIII. to James V. 535.
*Edgar*, ſon of Malcolm Canemore king of Scotland, obtains his father's crown by the aſſiſtance of William Rufus, 72. His pious donations, *ibid.* 73.
*Edgar* Atheling, his claim to the crown of England ſet aſide by the battle of Haſtings, 59. His ſiſter Margaret married to Malcolm Canmore king of Scotland, 63. Spends his days in peace, *ibid.*

*Eden*, or Edinburgh, the town of, granted to the Scots, 50. The caſtle of ſurpriſed by the earls of Glouceſter, Dunbar, and others to free king Alexander III. and his queen from reſtraint, 145. The caſtle, is taken by Edward I. of England, 199. By Robert Brus, 241. The town, caſtle, and county of, granted to Edward III. by Edward Baliol, 312. The caſtle ſurpriſed by Sir William Douglas, 330. The town burned by Edward III. 343. Is ſpared by the duke of Lancaſter, 353. Is burned by Richard II. 355. Truce concluded there between England and Scotland, 396. The caſtle is reduced by Sir William Drury, and the laird of Grange the governor executed, 649.

*Edward* I. king of England, ſchemes to acquire the ſovereignty of the whole iſland, 160. Reduces Wales to obedience, 162. Is party to a convention for the protection of Margaret of Norway, queen of Scotland, 165. Obtains a papal diſpenſation for the marriage of his ſon Edward, with the infant queen of Scotland, 166. Aſſumes the office of arbiter in the diſputed ſucceſſion to the crown of Scotland, 170. Requires his ſovereignty to be acknowledged, 171. Evidences cited by him in favour of his title, 172. Obliges all the competitors for the throne to recogniſe his claim and profeſs ſubmiſſion to his award, 174. Receives oaths of fealty from the principal perſons in Scotland, 177. Receives the petitions of the claimants, 178. Aſſigns the crown to John Baliol, 183. Remarks on his conduct in this affair, 184. Receives appeals from Scotland, 185. His rigorous treatment of John Baliol, 188. Enters into a war with France, 190. Takes Berwick, 195. Defeats John Baliol at Dunbar, 198. Takes the caſtle of Edinburgh, 199. Removes the *fatal chair* from Scone to London, 200. Calls a parliament at Berwick, *ibid.* Settles the government of Scotland, 201. Is diſturbed by the refractory behaviour of his Engliſh clergy and barons, 202. Is obliged to ratify the Great Charter, 209. Marches an army into Scotland, 210. Defeats the Scots at Falkirk, 211. Makes peace with France, 212. Marries Margaret of France, 213. His nobles refuſe to attend him into Scotland, *ibid.* Receives a mandate from Rome to deſiſt from hoſtilities againſt Scotland, 214. His letter to the pope, 216. Carries an army through Scotland, and procures his authority to be every where acknowledged, 220. Reduces Stirling caſtle, 222. Admits Scotch delegates into parliament, to ſettle the government and police of, 224. Solemn knighting of the prince of Wales, 227. His ſevere puniſhment of Robert Brus's party, 229. Dies 231.

*Edward* II. the firſt acts of his reign weak and impolitic, 232. Marries Iſabel daughter of Philip the Fair of France, 234. Appoints Gaveſton lieutenant of Ireland, *ibid.* Recalls Gaveſton, 235. Is ſubjected to the regulation of the lords ordainers, 236. Enters Scotland with an army, 237. Is forced to baniſh Gaveſton, 238. Reverſes the ſentence paſſed againſt him, 239. Is defeated by Robert Brus, at the battle of Bannockburn, 245. Beſieges Berwick, 262. Truce with Scotland, 264 Levies forces againſt Scotland, 270. Is ſurpriſed by the Scots in Yorkſhire, 272. Articles of a truce between him and Robert Bruce, 275. Is depoſed 281. Is murdered, 286.

*Edward* III is contracted by his mother Iſabel, while prince of Wales, to Philippa daughter to the earl of Hainault, 280. Succeeds to the crown by the depoſition of his father, 281. Is married 286. Renounces all claim of ſovereignty over the kingdom of Scotland 287. Claims a right of ſucceſſion to the crown of France, 288. Frees himſelf from the inſolent controul of Mortimer, 291. His clandeſtine treaty with Edward Baliol publiſhed, 299. Declares war againſt king David Bruce, 302. Takes Edinburgh caſtle, 304. Enters into a treaty of capitulation for Berwick, 305. Defeats lord Archibald Douglas on Haledon hill, 307. Berwick ſurrendered to him, 309. Receives the homage of Edward Baliol, 312. Obtains extenſive grants in Scotland from Baliol, *ibid.* Overruns Scotland with two armies, 316. Viſits it again, 323. Aſſerts his claim to the French monarchy, 328. Makes great preparation for proſecuting the war in Scotland, 329. Relieves the caſtle of Wark, and becomes enamoured with the counteſs of Saliſbury, 333. Concludes a truce with David Brus, *ibid.* Gains the memorable battle of Creſſy, 336. Edward Baliol makes a formal ſurrender of his whole right to the kingdom of Scotland to him, 342. Is forced to return with his army to England for want of proviſions, *ibid.* Burns Edinburgh and other towns in revenge, 343. Misfortunes that befel him at the cloſe of his reign, 348.

*Edward* IV. defeats the Lancaſtrians at Towton, 424. Concludes a truce with Scotland, 429. His imprudent marriage with Elizabeth Wideville, 430. Is reduced to fly the kingdom, 433. Returns, and defeats Warwick, 434. Defeats queen Margaret at Tewkeſbury, *ibid.* Concludes a truce with Scotland, 436. Contracts his daughter Cecilia to prince James of Scotland, 439. His treaty with France, 440. Dies, 446.

*Edward* VI. of England, his acceſſion, 557. Dies, 578. For events in his reign, ſee *Somerſet*.

*Edward*, prince of Wales, uſually called the Black Prince, aſſiſts his father in gaining the memorable victory at Creſſy, 336. Gains the extraordinary

victory of Poictiers, 343. Dies before his father, 348.
*Edwin*, king of Northumberland, his hiſtory, 16 His great power, and converſion to the Chriſtian faith, 17. His death, 18.
*Edwin* and Morcar, earls, their conduct after the battle of Haſtings, 59. Their fate, 63.
*Egbert*, the firſt Saxon king of all England, is haraſſed by the Danes, 40.
*Egfrid*, king of Northumberland, defeated and killed by the Picts, 25.
*Elizabeth*, queen of England, commences her reign with vigorous orders for ſecuring her frontier toward Scotland, 592. An inſtance of her frugality 593. Articles in the peace of Chateau Cambreſis, *ibid.* Mary queen of Scots, ſet up by the French court, as a pretender to her crown, 595. Aſſiſts the Scotch reformers, 596. Concludes a treaty with them, 599. Correſponds with Mary queen of Scots, 607. The intended interview between them fruſtrated, 608. Supports the Proteſtants in France and Scotland, 609. Thwarts queen Mary in her various projects of marriage, 615. Endeavours to produce a rupture between the two kingdoms, 618. Sends the earl of Bedford ambaſſador to Scotland, to cultivate a good underſtanding with Mary, 622. Endeavours to negociate for her liberty, 625. Commits the duke of Norfolk to the Tower for his projected marriage with queen Mary, 630. Sends the earl of Suſſex with an army into Scotland, 634. Preliminaries toward a peace with Scotland, 639. Concludes a defenſive treaty with France, excluſive of Scotland, 644. Juſtifies her conduct toward Scotland, to the king of France, 647. Aſſiſts the ſtates of the low countries, 657. Protects the Scots lords who took refuge in England, 660. Strengthens herſelf by leagues with the Proteſtant ſtates on the Continent, 663. Sends the earl of Leiceſter with troops to the aſſiſtance of the United Provinces, 666. Treaty of friendſhip between her and James VI. of Scotland, concluded at Berwick, 667. Her letter to James VI. apologiſing for the execution of his mother queen Mary, 670. Returns thanks to James for his offers of aſſiſtance againſt the Spaniſh invaſion, 673. Informs the Scots council of the ſecret practices of the catholics 675. Sends the lord Zouche ambaſſador extraordinary to Scotland, to remonſtrate with James on his conduct, 683 Declines aſſiſting James with money, 685. Concludes an offenſive and defenſive league with Henry IV. of France 688. Declares her reſolution to enforce the execution of the regulations eſtabliſhed by the commiſſioners at Carliſle, 695. Diſgrace and death of the earl of Eſſex, 698. Dies, 701.
*Eric*, king of Norway marries Margaret princeſs of Scotland, 160. His infant daughter recogniſed heireſs to the crown of Scotland, 162. His ambaſſadors agree to a convention with England and Scotland, for her protection, 165. Puts in his claim to the crown of Scotland, 179.
*Eſſex*, earl of, his diſgrace and death, 698.
*Eveſham*, battle of, between prince Edward and Simon de Montford earl of Leiceſter, 154.
*Eure*, Sir Ralph, ravages the Scots borders, 550. Is defeated and killed at Ancrum Moor, 553.
*Exchequer* for Scotland, eſtabliſhed at Berwick by Edward I. 202.
*Eyemouth*, incurſions produced by D'Oyſel's attempt to rebuild the fortreſs there, 585.

F

*FALKIRK*, battle of, between Edward I. of England and Sir William Wallace, 211.
*Faſt caſtle*, is taken by Patrick Dunbar, 380. Is ſurpriſed by the Scots, 566. Surrenders to Sir William Drury 637.
*Fergus*, arrives and ſettles in Scotland from Ireland, 9, *note.*
*Flambard*, Ralph, biſhop of Durham, his ingratitude to Edgar king of Scotland, 73. Builds the caſtle of Norham, 74.
*Flodden* field, its ſituation deſcribed, 488. Memorable battle there between the earl of Surrey and James IV. of Scotland, 491.
*Forreſter*, Sir John, meets the Scots regent the earl of Morton, to ſettle peace in the marches, 650. Skirmiſh between his men and thoſe of Sir John Carmichael, at the Red Swire 651.
*Fox*, biſhop of Durham, receives power from James IV. to negociate his marriage with the eldeſt daughter of Henry VII. 473.
*Francis* I. of France, renews the treaty of peace between France and England 498. Concludes a new one, 507. Has an interview with Henry VIII. 508. Henry is detached from his intereſts by cardinal Wolſey, 511. Is defeated at Pavia and taken priſoner by the emperor Charles V. 522. Sends ſuccours to his Scotch allies, 553. His treaty with England, 555. Dies, 557.

G

*GAMELINE*, biſhop of St. Andrews, is driven out of Scotland, 149. His party recovers the aſcendance and he becomes a chief man in adminiſtration, 150.
*Garter*, order of, the adventure which laid the firſt foundation of, 333.

*Gaveſton*

*Gaveſton*, the favourite of Edward II. made earl of Cornwall, 232. Is appointed lieutenant of Ireland, 234. Is recalled, 235. Commands great part of the army in Scotland, 238. Is baniſhed by parliament, *ibid.* Returns, 239. Is ſeized and put to death by the barons, 240.

*Gaul*, is overrun by northern barbarians, 11.

*Glouceſter*, Humphry duke of, is intruſted with the affairs of England under the duke of Bedford. 387.

*Glouceſter*, Richard duke of, is made warden of the weſt marches, 435. Conducts an army to Scotland, attended by the duke of Albany, 443. Concludes a treaty, 444. Seizes the crown of England, 446. Loſes his kingdom and life at Boſworth. 452.

*Grange*, the laird of, governor of Edinburgh caſtle, and provoſt of the city, adopts the intereſts of queen Mary, and ſets lord Home at liberty, 636. Becomes maſter of the city, 640. Is diſappointed in an attempt to ſurpriſe the parliament of Stirling, 642. His demands at the convention of eſtates, 646. Is reduced by the Engliſh general Sir William Drury, and executed, 649.

*Gray*, the maſter of, ſent ambaſſador from James VI. of Scotland, to queen Elizabeth, 661.

*Gray*, Sir Ralph, ſurpriſes the caſtle of Bamburgh, 427. Is reduced and executed, 428.

*Gray*, Thomas, his gallant behaviour in defending Norham, 259.

*Gregory* the Great, king of Scotland, his exploits, 45.

*Grey*, lord, fortifies Haddington, and ravages the Scots borders, 564. Ravages Tiviotdale and Liddiſdale, 566.

*Grey*, lord, of Wilton, warden of the eaſt and middle marches, leads an army to aſſiſt the Scots reformers againſt the queen regent, 600. Is the firſt who enjoyed the title of governor of Berwick, 606. Dies and is ſucceeded by the earl of Bedford, 614.

*Gualo*, the pope's legate, excommunicates prince Louis and his adherents, 125. His conduct in abſolving the Scots nation from excommunication, 127.

## H

*HADDINGTON*, is fortified and garriſoned by the lord Grey, 564. Is beſieged by the French, but relieved, 565.

*Haddon* Rigg, encounter there between the earl of Huntley, and Sir Robert Bowes, 539.

*Halidon* Hill, battle of, between king Edward III. and lord Archibald Douglas, 307. A hot ſkirmiſh between the Engliſh and Scots there, 591.

*Haquin*, king of Norway, makes an unſucceſsful deſcent on the coaſts of Scotland, 153.

*Harold*, ſon of Earl Godwin, ſeizes the crown on the death of Edward the Confeſſor, 57. Is defeated and killed by William duke of Normandy, 58.

*Harold*, earl of Caithneſs, is reduced and taken priſoner by William the Lion king of Scotland, 110.

*Hartcla*, Andrew de, defends Carliſle bravely againſt king Robert Brus, 250. Has the cuſtody of all the adjacent country committed to him, 251. Is inveſted with the military command of the three northern counties, 268. Is created earl of Carliſle, 269. Is removed from his office, 272. Is executed as a traitor, 273.

*Haſtings*, battle of, between William duke of Normandy and Harold king of England, 58.

*Havre* de Grace, ſurrendered by the Engliſh, and the plague brought over by the garriſon, 609.

*Hawden* Stank, treaties and truces concluded there, by the Engliſh and Scots commiſſioners, 360, 362. 379. 393.

*Hawick* is burned by the earl of Surrey, 635.

*Helena*, the mother of Conſtantine the Great, a Briton born, 6.

*Hengiſt* and Horſa, their arrival in Britain, 14.

*Henry* I. obtains the crown of England, 73. Marries Maud, daughter of Malcolm Canmore king of Scotland, *ibid.* Settles his crown on his daughter, 78.

*Henry* II. his great power, and acceſſion to the crown of England, 89. His diſputes with abp. Becket, 94. Obtains the feudal ſovereignty over Scotland, 99. His ſons rebel againſt him, 104.

*Henry* III. is intruſted to the care of William Mareſchal earl of Pembroke on his father's death, 125. His treaty with Alexander II. of Scotland, 128. Sources of the diſſenſions between him and Alexander, 130. Marries Eleanor of Provence, 132. Engages in an unſucceſsful war with France, 135. Concludes a peace with Alexander, 137. Agreement between him and the Scots nobles at Roxburgh, 146. Proviſions of Oxford eſtabliſhed, 150. Is abſolved from the obſervance of them, 152. Is taken priſoner, 154.

*Henry* IV. obtains the crown of England by the depoſition of Richard II. 366. Viſits Scotland with an army, 369. Defeats Henry Percy, called Hotſpur, at Shrewſbury, 373. His agreement with Percy earl of Northumberland, at Pontefract caſtle, 374. Seizes James prince of Scotland, 377. Dies, 381.

*Henry* V. renews the truce between England and Scotland, 381. Prepares for his expedition to France, 382. His negotiations with France, 385. Returns to England with his young queen Catharine, 386. Dies in France, 387.

*Henry* VI. his proffered marriage with the daughter of James I. rejected by the Scotch parliament, 399. The duke of York forms pretenſions to his crown, 414. His

414. His intellects impaired, 416. Falls under the power of the York party, 417. Is defeated and taken prisoner by the earl of Warwick, at Northampton, 421. Takes refuge in Scotland, 424. Yields up Berwick to the Scots, *ibid.* Is seized and confined in the Tower of London, 427. Is restored, 434. Is deposed and killed, *ibid.*

*Henry* VII. acquires the crown of England, 452. Concludes a truce with Scotland, 453. His family prejudice against his queen, 455. Concludes a treaty with France, 463. His negociations with Scotland, 464. Concludes a marriage between his eldest son Arthur, and the princess Catharine of Arragon, 468. His daughter Margaret contracted to James IV. of Scotland, 473. Dies, 478.

*Henry* VIII. of England, his character, 478. His war with France productive of a rupture with Scotland, 479. Additional causes of this rupture, 480, 481. His reply to James's letter of complaint, 484. Makes peace with France, 496. Concludes a treaty with the duke of Albany, 503. Concludes a new treaty with France, 507. Has an interview with Francis I. 508. Is swayed by cardinal Wolsey to adopt the interests of the emperor Charles V against Francis, 511. Requires the states of Scotland to depose the duke of Albany from his charge of the king and government, 512. Is visited by the emperor Charles V. 513. Concludes a truce with Scotland, 521. Another for three years, 524. For five years, 530. Prosecutes his divorce from Catharine of Arragon, 531. Assumes the supremacy over the English church, 532. Concludes a peace with James V. 534. His friendly offers to James, 536. Excommunicated by the Pope, 537. Marries Anne of Cleves, *ibid.* Is disappointed by James in a promised interview, 538. Projects a marriage between his son Edward, and Mary, the infant queen of Scots, 542. Forms a scheme to get possession of the young queen, and the administration of the Scots government, 544. His treaty with Scotland, 545. Sends the earl of Hertford to invade Scotland, 548. His treaty with the earl of Lennox, 549. His treaty with France, 555. Dies, 557.

*Henry* III. of France, murdered by Jaques Clement, 675.

*Henry* IV. of France, his accession, 675. Conforms to the Romish religion, 682. Enters into a war with Spain, 686. Concludes an offensive and defensive league with Elizabeth of England, 688.

*Hepburn*, John, prior of St Andrews, gains the confidence of the duke of Albany, regent of Scotland, 499.

*Heptarchy*, Saxon, the formation of, 14. Reduced to one government by Egbert, 40.

*Hereford*, Humphry Bohun, earl of, heads the malcontent English barons in their opposition to Edward I. 202.

*Hertford*, Edward Seymour, earl of, leads an army into Scotland, 548. Is made duke of Somerset, and protector during the minority of Edward VI. 558. See *Somerset*.

*Hexham*, battle of, between lord Montacute and the Lancastrians, 427.

*Holy League*, in France, some account of their proceedings, 662.

*Holyrood-house*, the convent of, founded by David I. of Scotland, 87, *note*,

*Home-castle*, is taken by the duke of Somerset, 562, is retaken by the Scots, 566. Reduced by the earl of Suffex, 636.

*Home*, lord, contributes his interest to make the duke of Albany regent of Scotland, 497. Cabals against him, 500. Submits, 501. Is seized by the regent, 504. Is beheaded, 505.

*Home*, lord, warden of the east march, associates in the earl of Bothwell's rebellion, 677. Submits and is pardoned, 678. Returns to court, 681. Is defeated by the earl of Bothwell, 684. Is gratified out of Bothwell's forfeited estates, 686.

*Homeldon*, battle of, between Percy earl of Northumberland, and the earl of Douglas, 371.

*Hotspur*; see *Percy*.

*Hume*, Alexander lord, is appointed chief justiciary and lord lieutenant over the three marches of Scotland, by James VI. 705.

*Hunsdon*, lord, governor of Berwick, defeats Leonard Dacres, near the river Golt, 634. Regulations made by, for the garrison of Berwick, 652. Is employed to pacify king James VI. after the execution of his mother Mary, 671.

*Huntley*, earl of, one of the catholic lords, is much disappointed by the defeat of the Spanish Armada, 673. Quarrels with the earl of Murray, 676. Murders him, 678. Retires to France, 686. Is restored on abjuring popery, 688.

*Huntley*, George Gordon earl of, defeats Sir Robert Bowes at Haddon-Rigg, 539. Challenges the duke of Somerset to single combat, 560. Is taken prisoner by Somerset, 561.

I.

*James* I. of Scotland, is seized and detained in captivity by Henry IV. of England, 377. The ambition of the duke of Albany obstructs his regaining his liberty, 381. Accompanies Henry V. to France, 386. Recovers his liberty and marries Jane of Somerset, 388. Concludes a truce with England for seven years, 389. Finds great difficulties in making his payments to England,

391. Concludes a marriage between his eldeſt daughter and the Dauphin of France, 393 Treaty between his commiſſioners and thoſe of England, for the mutual redreſs of injuries, *ibid.* His prudent domeſtic adminiſtration, 399. Deprives the earl of March of his earldom and lands, 400. Is murdered by the procurement of the earl of Athol, 401.

*James* II. of Scotland, his acceſſion, 401. Marries Mary of Gueldres, 407. Orders ſatisfaction to be made out of the earl of Douglas's eſtate, to thoſe whom he had oppreſſed, 412. Kills the earl of Douglas with his own hand, 415. Takes and deſtroys the town of Roxburgh, 422. Is killed by the burſting of a cannon, *ibid.*

*James* III. of Scotland, is crowned at Kelſo, 422. Concludes a truce with Edward IV. of England, 429. Marries Margaret of Norway, 435. Concludes a truce with England, 436. Contracts his ſon James to Edward's daughter Cecilia, 439. Is perſuaded by France to break the truce, 441. Is reduced to ſhut himſelf up in the caſtle of Edinburgh, 443. The duke of Albany ſubmits and James is enlarged, 445. Reduces the caſtle of Dunbar, 453. Troubles ſpringing from his attachment to favourites, 457. Is reduced and murdered, 459.

*James* IV. of Scotland, the violent manner, of his obtaining the crown, 459. Leads an army into England in favour of Perkin Warbeck, 467. Solicits a marriage with the eldeſt daughter of Henry VII. 473. Is married to her, 478. Cultivates the arts of peace, *ibid.* Cauſes of his rupture with Henry VIII. 480, 481. Sends his complaints, to Henry, 483. Leads a numerous army into England, 485. Takes the caſtle of Norham, *ibid.* Is detained, and waſtes his time at the caſtle of Ford, *ibid.* His return to the earl of Surrey's defiance, 487. Battle of Flodden, 491. Is killed, 494.

*James.* V. of Scotland, applies to the Engliſh court for a truce, 510 Is veſted with the regal adminiſtration, 520. Concludes a truce with England, 521. The cuſtody of him obtained by the earl of Angus, 523. Eſcapes from him, 528. Concludes a truce with England for five years, 530. Chaſtiſes the border chieftains for their exceſſes, 531. Concludes a peace with Henry VIII. 534. Marries Magdalen eldeſt daughter of Francis I. of France, 536. Marries for his ſecond wife, Mary of Lorrain, 537. Declines an interview with Henry, *ibid.* His nobles diſſatisfied with him, 541. Dies, 542.

*James* VI. of Scotland, born, 621. Is baptiſed at Stirling, 622 Becomes king, by the forced reſignation of his mother, 625. He is crowned at Stirling, 626. Creates Eſme Stewart lord D'Aubigny, earl of Lennox, 654. Is obliged to order him to return to France, 658. Frees himſelf from the reſtraint of his nobles, 659. A ſecret correſpondence between him and his mother diſcovered, 663. Zealouſly promotes a ſtricter alliance with the crown of England, 664. Treaty of friendſhip between him and queen Elizabeth, concluded at Berwick, 667. Interpoſes in behalf of his mother, 669. Queen Elizabeth's letter to him on his mother's execution, 670. Is pacified by lord Hunſdon, 671. Offers aſſiſtance to Elizabeth againſt the Spaniſh invaſion, 672. Marries the princeſs Anne of Denmark, 674. Goes to Norway to fetch her, 675. Returns to Scotland with his queen, 676 Takes meaſures to ſuppreſs the rebellion of the earl of Bothwell and lord Home, 677. His reply to the lord Borough the Engliſh ambaſſador, 680. Bothwell extorts a pardon from him, *ibid.* Is denounced a rebel, 681. Elizabeth remonſtrates with him on his conduct by her ambaſſador lord Z[illegible]ch, 683. His proclamation on the report of a Spaniſh invaſion of England, 687. Endeavours to eſtabliſh the epiſcopal form of church government, 698. His ſolicitude to ſecure his ſucceſſion to the crown of England, *ibid.* Gowrie's conſpiracy, 699. Succeeds to the Engliſh crown, 701. Sets out for England, 702. Repreſſes outrages on the borders, 703. Declares his intention to unite his two kingdoms, 704. Diſguſts his Engliſh ſubjects by conferring honours too liberally on his countrymen, *ibid.* Alters the name of borders to that of middle ſhires, 706. Advantages flowing from the two nations of England and Scotland coming under one ſovereign, *ibid.*

*James*, lord, lieutenant and juſticiary of Scotland, ſuppreſſes the banditti on the borders, 607.

*Icolmkill*, etymology of the name of that iſland, 20, *note.*

*Ida*, king of Bernicia, his arrival and ſettlement in Britain, 15. His ſucceſſors, 16.

*Jedburgh*, the caſtle of, taken and demoliſhed by the men of Tiviotdale, 378. The town of, burned, 380. Is burned by the earl of Surrey, 515. And by Sir Ralph Eure, 550.

*Inchcolm*, the monaſtery of, well protected by the image of St. Columba, 319, *note.*

*Joan*, princeſs, ſiſter of Edward III. is married to David prince royal of Scotland, 289.

*John*, count of Montaigne, ſucceeds to the crown of England on the death of Richard I. 109. Divorces his wife Aviſe of Glouceſter, to marry Iſabel of Engouleſme, the betrothed wife of Hugh count de la Marche, 113. Summons William king of Scotland to Lincoln, *ibid.* Murders his nephew Arthur duke of Britanny, 114. His quarrel with the pope, 115. Concludes a peace with William king of Scotland, 117. Is excommunicated, 119.

A croiſade

A croiſade publiſhed againſt him, 120. His abject ſubmiſſion to Pandolph the legate, 121. Is obliged to grant *Magna Charta* to his barons, 122. Is abſolved from his oath to obſerve it, by the pope, *ibid.* Ravages the borders, 123. His death, 125.

*Iſabel*, daughter of Philip the Fair of France, is married to Edward II, of England, 234. Withdraws to France, and contracts an intimacy with Roger Mortimer, 280. Depoſes her huſband, 281.

*Julius* II. pope, his character, and quarrel with Louis XII. of France, 479.

K

*KEITH*, lord, is unreaſonably detained as a priſoner by the earl of Northumberland, 622.

*Kelſo*, a truce concluded there between England and Scotland, 370. James III. crowned there, 422. Is burned and plundered by the Engliſh, 514. 540. 550.

*Kelſo abbey*, founded by David I. king of Scotland, 77.

*Kenneth*, king of Scotland, original cauſe of his enmity againſt the Picts, 38.

*Ker* of Ancrum, is murdered by Sir Robert Ker of Ceſsford, 676.

*Ker*, Sir Robert is murdered by the Engliſh at a meeting on the marches, 481.

*Ker*, Thomas of Farniherſt, concerts with the earl of Arran, an outrage on the borders 664. Is confined and dies *ibid.*

*Killegrew*, the Engliſh ambaſſador, acts as mediator between the earl of Morton regent, and queen Mary's party, 646.

*Knox*, John, the Scots reformer, in appointed itinerary preacher in the Engliſh marches, 577, *note.* Negociates with the Engliſh court in favour of the Scots reformers, 595.

L

*LAMBERT*, Simnel, his rebellion, 454.

*Lancaſter*, earl of, carries on a private correſpondence with king Robert Brus, 252. Deſerts from Edward II. at the ſiege of Berwick, 263. Heads an aſſociation of the Barons againſt the Deſpenſers, 267. Is taken and beheaded, 269.

*Lancaſter*, John duke of, is commiſſioned to regulate the affairs of the borders, and to treat with the king of Scotland, 350. His negociations, 351. His palace of the Savoy burned, *ibid.* Invades Scotland, but ſpares Edinburgh, 353. His contract with the earl of Northumberland for the defence of the marches, 354. Is made duke of Bedford, 382. See *Bedford.*

*Langſide*, battle of, between the earl of Murray and Mary queen of Scots, 628.

*Langton*, Stephen is choſen archbiſhop of Canterbury by the influence of the pope, in oppoſition to king John, 116. Is admitted by the king, 121. Inſtigates the barons to claim the liberties granted by king Henry I. 122.

*Lauder*, a fort erected there, commanded by Sir Hugh Willoughby, 564. Surrendered to the Scots on the peace, 569.

*Leiceſter*, Simon de Montford, earl of, becomes chief leader of the aſſociated barons againſt Henry III. of England 150. Battle of Lewes, 154. Is killed at the battle of Eveſham, *ibid.*

*Leith*, is burned by the Engliſh under the duke of Somerſet, 561. The queen regent and her French forces beſieged there by lord Grey of Wilton 600. Treaty for the ſurrender of, 604. A body of the queen's forces, defeated there by the earl of Morton 641.

*Lelinghen*, truce concluded there by England, France, and Scotland, 358.

*Lennox*, earl of, is defeated in an attempt to reſcue James, V. from the power of the earl of Angus, 527. Is killed, *ibid.*

*Lennox*, Matthew the young earl of, is ſent over from France to Scotland to negociate a renewal of the treaties between thoſe kingdoms, 544. Is encouraged by cardinal Beaton with the hopes of illegitimating the earl of Arran, regent, 546. Marries the lady Mary Douglas, and concludes a treaty with Henry VIII. 549. Is invited home and reſtored to his eſtate on his ſon the lord Darnley's account, 616. Enters Scotland attended by an Engliſh army, 638. Is made regent of Scotland during the minority of his grandſon James VI, *ibid.* Surpriſes the caſtle of Dunbarton, 640. Is killed in the attack at Stirling, 642.

*Lennox*, Eſme Steward lord D'Aubigny, created earl of, 654. Contrives the ruin of the earl of Morton, 656. Is made a duke, 657. Is forced to retire to France where he dies, 658.

*Leſly*, Norman, murders cardinal Beaton in his caſtle of St Andrews, 556.

*Lewes*, battle of, betweeſt Henry III. and his barons, 154.

*Lindisfarn*, Aidan conſtituted firſt biſhop of, 20. When it ceaſed being an epiſcopal ſee, 42.

*Lindſay*, Sir James mutual generoſity between him and Sir Matthew Redman, 358.

*Linlithgow*, a parliament held there in which the proceedings againſt the lords aſſociated againſt the earl of Arran were reverſed, 666.

*Livingſton*, Sir Alexander, is made guardian of the young

young king James I. and governor of Scotland, 401. Murders the earl of Douglas in Edinburgh caſtle, 405. Diſtreſs is brought on himſelf and family, by the Douglas intereſt, 407.
*Lochleven*, queen Mary confined there by her nobles, 624.
*Lochmaben*, the duke of Albany and earl of Douglas, defeated there, 447. The caſtle of, taken by the Scots, 353.
*London*, a truce for nine years concluded there between England and Scotland, 402. A peace, 534.
*Longchamp*, biſhop of Ely, joint juſticiary with Hugh de Pudſey biſhop of Durham, is diveſted of his office for oppreſſive conduct, 107.
*Lothian*, is granted by king Edgar of England to Kenneth III. king of Scotland, 50.
*Louis* XII. of France, his quarrel with pope Julius II. 479. Is attacked by Henry VIII. *ibid.* Concludes a peace with England, 496. Dies 498.
*Louis*, prince, ſon and heir of Philip king of France, is invited over to England by the barons, 124. Is excommunicated, 125. Is forced to abandon England, 126.
*Lucy*, Sir Anthony, his ſucceſsful inroad into Scotland, 302.

M

*MÆATÆ*, the people ſo named pointed out, 3, *note*.
*Macbeth*, cuts off king Duncan, and uſurps the crown of Scotland, 55. Is defeated and killed, 56.
*Macduff*, thane of Fife, reſtores Malcolm Canmore to the throne of Scotland, 56.
*Macduff* earl of Fife, account of his appeal to king Edward I. of England, 187.
*Macpherſon*, Dr his etymology of the names Scots and Picts, 8, *note*.
*Magdoil*, Duncan, defeats the two brothers of Robert Brus, 231.
*Magna Charta*, is extorted from king John by his Engliſh barons, 122.
*Melroſs*, the monaſtery of, founded by David I. king of Scotland, 79.
*Maitland* of Lethington, ſecretary to Mary queen of Scots, is ſent to the Engliſh court to negociate an interview between the two queens, 608. Is taken priſoner by Sir William Drury in Edinburgh caſtle, and is poiſoned, 649.
*Malcolm*, king of Scotland, his military exploits, 55. Affords refuge to the diſtreſſed Engliſh, after the Norman conqueſt, 60. His death, 69.
*Malcolm* IV. king of Scotland, ſurrenders the northern counties to Henry II. of England, 90. His death, 92.
*Mar*, earl of, is made regent of Scotland during the minority of James VI. on the death of the earl of Lennox, 642. Sends lord Ruthven to the relief of Jedburgh, 643. Is prevailed on to agree to a truce with the queen's party, 645. Dies broken hearted, 646.
*Mar*, Donald earl of, raiſes an army to oppoſe the invaſion of Edward Baliol, 297. Is defeated and killed, 298.
*March*, counteſs of, defends the caſtle of Dunbar, againſt the lord Montague, 325.
*March*, George Dunbar earl of, abandons Scotland and is received into the protection of Henry IV. of England, 367. His treaty with Henry, 368. Aſſiſts the Percies at the battle of Homeldon, 371. Diſtinguiſhes himſelf on the king's ſide at the battle of Shrewſbury, 373. Makes his peace with Scotland, and is reſtored, 379.
*March*, George Dunbar earl of, ſon of the preceding, is deprived of his earldom and lands by James I. 400.
*Marthes*, ancient laws and cuſtoms of, 138.
*Marches*, Engliſh regulations made for the peace and ſecurity of, 574.
*Margaret*, eldeſt daughter of Henry VII. of England, contracted to James IV. of Scotland, 473. The treaty publiſhed at St. Paul's Croſs, 476. Her jointure, 477. Is married, 478. Is made regent on the death of her huſband, 496. Marries the earl of Angus, 497. Is delivered of the lady Margaret Douglas, grandmother of James VI. 501. Retires to the Engliſh court, 503. Carries on a correſpondence with the earl of Surrey, 518. Procures her young ſon James V. to be veſted with the regal adminiſtration, 520. Is made preſident of her ſon's privy council, 523. Is divorced from the earl of Angus, and marries Henry Stuart created lord Methven, 526.
*Margaret*, princeſs of Scotland, is married to Eric king of Norway, 160. Her dowry and jointure, 161, *note*.
*Margaret* of Norway, is recognized heireſs to the crown of Scotland, 162. Convention for her protection, 165. Negociations for her marriage with prince Edward of England, 166. Dies, 169. See *Baliol*, and *Brus*.
*Mary*, queen of England, her acceſſion, 578. Reſtores the Romiſh religion by cruel means, and marries Philip II. of Spain, 579. Sends commiſſioners to Berwick to ſettle border diſputes, *ibid.* Declares war with France to pleaſe her huſband, 584. Dies, 592.
*Mary* of Lorrain, is married to James V. of Scotland, 537. Her huſband dies, 542. Is kindly received by Edward VI. in her return from France to Scotland, 573. Is created regent in the ſtead of the earl of Arran when he was made duke of Chatelherault,

herault, 583. Endeavours to produce a war between Scotland and England, 585. The Scots nobles refuse to invade England, 587. Is induced to treat the reformers with rigour, 595. Is suspended from her powers by the protestant lords, 597. Is besieged by the English in Leith, 600. Dies in the castle of Edinburgh, 602.

*Mary*, queen of Scots, succeeds to the crown at a week old, 542. Is intrusted to the care of the earl of Arran, 543. Treaty of marriage between her and prince Edward of England, 545. This treaty annulled by the Scots parliament, 547. Is sent to France, 565. Is married to the Dauphin, 589. Articles in the peace of Chateau Cambresis, 593. Is prevailed on by the court of France to form pretensions to the crown of England, 595. Returns to Scotland on the death of her husband, 606. Enters into a correspondence with queen Elizabeth, 607. The intended interview between them frustrated, 608. Is thwarted by Elizabeth in her matrimonial schemes, 615. Marries Henry lord Darnley, 617. Complains to Elizabeth of depredations on the borders of her kingdom, 619. Her quarrels with her husband, and the murder of her favourite David Rizio, 620. Becomes attached to the earl of Bothwell, 621. Makes a progress and views Berwick, 622. Remonstrates to Elizabeth, against the detention of lord Keith, *ibid.* Marries the earl of Bothwell the supposed murderer of her husband, 623. Is confined by her nobles in the castle of Lochleven, 624. Is forced to resign her crown to her son, 625. Escapes from Lochleven, 627. Her army defeated by the earl of Murray at Langside, 628. Flies to England, *ibid.* Desires to vindicate her conduct before Elizabeth and her council, 629. A rebellion in Yorkshire in order to her deliverance, 631. Treaty of Chatsworth, 639, *note*. Proposals made by her delegates at London, 640. Enters into a correspondence with the duke of Alva, 643. Her interest at the court of France, how weakened, 650. Enters into the ambitious views of the house of Guise, 662. Is committed to close imprisonment by Elizabeth, 663. Is tried and condemned for engaging in Babington's conspiracy, 668. Is executed in Fotheringay castle, 669.

*Marmion*, Sir William, his gallant behaviour at Norham, 259.

*Maud*, daughter of Malcolm Canmore king of Scotland, is married to Henry I. king of England, 73.

*Maud*, daughter of Henry I. king of England, marries the emperor Henry V. and has the crown of England settled on her, 78. Marries Geoffrey Plantagenet, *ibid.* Is forced to fly by Stephen, 80.

*Maxwell*, John, abets the associated lords against the earl of Arran, 583. Endeavours to aid the Spanish invasion, but is reduced and taken prisoner by James VI. 672.

*Melvill*, Sir Robert his embassy from James VI. to queen Elizabeth, 680.

*Methven*, Dr John, his protestation in behalf of his brother commissioners in treaty at Winchester about a truce with England, 408.

*Middleton*, Gilbert, captain of banditti, robs the cardinal, John de Ossa, 255.

*Montacute*, Neville lord, defeats the Lancastrians at Hexham, 427. Is created earl of Northumberland, 428. Resigns that title and is made marquis of Montague, 433. Is killed at the battle of Barnet, 434.

*Monteith*, earl of, seizes Alexander III. king of Scotland in his bed, 149.

*Morel*, of Bamburgh, kills Malcolm Canmore king of Scotland, when besieging Alnwick castle, 69.

*Mortimer*, Roger, contracts an intimacy with queen Isabel, 280. Is seized in the castle of Nottingham, and hanged at Tyburn, 291.

*Mortimer's cross*, battle of, between Edward duke of York, and the earl of Pembroke, 423.

*Morton*, earl of, delivers up the captive earl of Northumberland by treaty with the court of England, 645. Is made regent on the death of the earl of Mar, 646. Concludes a treaty with his adversaries at Perth, 647. Undertakes the siege of the castle of Edinburgh with English troops on conditions, 648. Settles the peace of the marches in conjunction with Sir John Forrester the English warden, 650. Accommodates the difference occasioned by the skirmish between Forrester and Carmichael, 651. Resigns his office as regent, 653. Obtains possession of the king's person, and the first place in his council, 654. Is condemned and executed by the influence of Lennox and Arran, 657.

*Mos Tower*, is destroyed by the earl of Sussex, 635.

*Moubrai*, Robert de, made earl of Northumberland, 67. Rebels against William Rufus, 71 Dies in confinement, 72.

*Moubray*, Sir Alexander, is disgusted by the inconsistent treatment he received from king Edward Baliol, 313.

*Murdoch* of Fife, son and heir of the duke of Albany, a treaty entered into for exchanging him for young Percy, 382. Which failing he attempts to escape, 383. Is released, 384. Succeeds his father as governor of Scotland, 386. His estates confiscated by James I. 399.

*Murray*, earl of, is declared regent during the minority of king James VI. 625. Attends to the peace of the marches, 626. Assembles troops and takes the castle of Dunbar from Bothwell's dependents, 627. Defeats the queen's army at Langside, 628. Justifies his conduct at York before English and Scots

Scotch commiſſioners, *ibid.* Confines the fugitive earl of Northumberland in Lochleven-caſtle, 632. Alienates his friends by improper behaviour, *ibid.* Is murdered at Lithgow, 633.

*Murray*, John Randolph earl of, drives Edward Baliol out of Scotland, 314. Is taken priſoner and ſent to England, 315. Is exchanged and attends David Brus to Scotland, 332. Is killed at the battle of Neville's Croſs, 338.

*Murray*, Thomas Randolph earl of, is appointed tutor to the heir apparent of Scotland, 274. His ineffectual negociation at the court of Avignon with the pope, 277. Is left guardian to David, king of Scotland, 291. No meaſures taken to ſupport the claims of Edward Baliol, until his death, 295. Dies, 297.

*Murray* of Bothwell, Sir Andrew, is made guardian of Scotland, 319. Defeats and kills the earl of Athol, 320. Dies 328.

N

*NAMUR*, earl of, gallant behaviour of his ſmall body of forces, againſt the earl of Murray and Sir William Douglas, 317.

*Neville*, Robert de, commands the northern forces of Henry III. againſt thoſe of the barons under the earl of Leiceſter, 153.

*Neville's Croſs*, battle of, between king David Brus and queen Philippa, 337.

*Newcaſtle*, truces negociated there between England and Scotland, 413, 421, 431, 533. Regulations made there for the peace and ſecurity of the Engliſh marches, 574.

*Norfolk*, duke of, is made lieutenant general of the country to the north of the Trent, 597. Concludes a treaty with the Scotch reformers at Berwick, 599. When the Engliſh commiſſioner at the conferences in York, entertains hopes of marrying Mary queen of Scots, 628. Is committed to the Tower, 630. Is condemned and executed, 643.

*Norfolk*, Roger Bigot earl of heads the malcontent Engliſh barons in their oppoſition to Edward I. 202.

*Norham*, the caſtle of, taken by David I. king of Scotland, 81. Is taken by James IV. of Scotland, 485. Treaty concluded there between England and Scotland, 572.

*Northampton*, battle of, between the earl of Warwick and king Henry VI. 421.

*Northumberland*, arrival of the Saxon king Ida there, 15. Is ſettled by Danes, 43. Is divided into two earldoms, 50. Why this county is not included in the Doomſday-book. 67.

*Northumberland*, earl of, engages in a rebellion in Yorkſhire, for the deliverance of Mary queen of Scots, 631. Eſcapes to Scotland and is impriſoned in the caſtle of Lochleven, 632. Is delivered up to queen Elizabeth, 645. And executed at York, 646.

*Northumberland*, Dudley duke of, ruins the protector Somerſet, 573. Surveys the marches in quality of warden-general, *ibid.* Is ruined by his attempts to raiſe the lady Jane Gray to the throne, 578.

*Northumberland*, Henry Percy earl of, recovers his liberty, being exchanged for Murdoch of Fife, 384. Obtains the government of Berwick, 387. Is defeated by the earl of Angus, near the mountains of Cheviot, 401. Is killed at the firſt battle of St. Albans, 417.

*Northumberland*, Henry Percy reſtored to the eſtate and honours of, 433. Is murdered by the populace, 460. See *Percy*.

*Nottingham*, truce concluded there between England and Scotland, 448.

O

*ORANGE*, William prince of, aſſaſſinated by Balthazar Gerard, 662.

*Ormond*, Hugh earl of, defeats the earl of Northumberland near the river Sark, 407. Is reduced by James II. to obey his orders, relative to his brother's effects, 412.

*Oſſa*, John de, cardinal, is commiſſioned to ſettle peace throughout England and Ireland, 255.

*Oſwald*, king of Northumberland, extends his dominion over the Scots and Picts, 19. Was canoniſed for his piety, 21.

*Oſwy*, king of Northumberland, the principal tranſactions of his reign, 21.

*Otho*, the pope's legate, preſides at a conference held at York, between the kings of England and Scotland, 133. His entry into Scotland oppoſed, 134.

*Otterburn*, battle of, between lord Percy and earl Douglas, 357.

*Ottobon*, the pope's legate, preaches a croiſade, 155.

*Oxford*, the proviſions of, eſtabliſhed, 150.

P

*PANDOLPH*, the pope's legate, receives the ſubmiſſion of John king of England, 121.

*Panmure*, battle of, 326.

*Paris*, Matthew, his account of king John's expedition to Scotland, 123, *note*.

*Parma*, duke of, ſends money over to Scotland, to revive the ſpirits of the catholics and friends of Spain, after the defeat of the Armada, 673.

*Pavia*, battle of, between the emperor Charles V. and Francis I. of France, 522.

*Peaſe*, the dangerous paſs ſo called, deſcribed, 560, *note*.

*Peebles*, the town and county of, granted to Edward III. by Edward Baliol, 312.

*Penda*, king of Mercia, his military achievements, 20, 22.

*Penrith*, is burned by the Scots, 384.

*Pepperden*, battle of, between the earl of Angus and the earl of Northumberland, 401.

*Percy*, the popular account of the origin of that name exploded, 70, *note*.

*Percy*, Henry, known by the name of Hotſpur, diſtinguiſhes himſelf at the ſiege of Berwick caſtle, 350. Is defeated and taken priſoner by earl Douglas, at the battle of Otterburn, 357. Aſſiſts his father at the battle of Homeldon, 371. Is killed at the battle of Shrewſbury, 373.

*Percy*, lord, warden of the Engliſh northern marches,

his army routed by the artifice of the Scotch peaſants, 348. Ravages the lands of the earl of March, 349. Is when duke of Northumberland found guilty of high treaſon, 354. Defeats and takes priſoner the earl of Douglas, at the battle of Homeldon, 371. His agreement with Henry IV. at Pontefract caſtle, 374. Engages in another conſpiracy againſt the king, 376. Eſcapes to Wales, an inſurrection in Yorkſhire, where he

defeats Sir Andrew Ker and the , near Cheviot, 588. Makes an unty of Mers, 589. Defeats the d him on his return, 590.

at occaſion erected, 427, *note*.
rebellion, 463. Is patroniſed Marries the lady Catharine

Scots after an obſtinate ſiege, cluded there, between the earl of d his adverſaries, 647.

uarrels with Richard I. of Engade, 106. Returns to attack ns in his abſence, 107.

, is married to queen Mary of erſuades her to declare war with ary dies, 592. His invincible ngland defeated, 672. Inſtigates land, 687. Dies, 697.

f the earl of Hainault, is married of England, 280, 286. Defeats ville's Croſs, 337.

ced, 8, *note*. Cauſe of the war d Kenneth king of Scotland, 38. nation, 39.

an inſurrection under that name

tween the duke of Somerſet and 561.

e in Scotland, reported to have of the inhabitants, 340.

Geoffry, marries the empreſs Maud, ts his name to the royal family

between the black prince Edward rance, 343.

e concluded there between Eng374.

me account of that order of

akes the earl of Murray priſoner, by Edward III. for this ſervice,

rth of in England and Scotland,

Roxburgh, for king David Brus, 332. Is made governor of the caſtle and ſheriff of Tiviotdale, 334. Is cruelly murdered by Sir William Douglas, 335.

*Randolph*, Sir Thomas is ſent ambaſſador to Scotland by queen Elizabeth to oppoſe Lennox's meaſures, and is ill treated there, 656. Concludes a treaty with James VI. 666. Is one of the commiſſioners for the treaty at Berwick, 667.

*Red Swire*, a ſkirmiſh there between the Engliſh and the Scots, 650.

*Redman*, Sir Matthew, mutual generoſity between him and Sir James Lindſay, 358.

*Richard* I. king of England, raiſes money by extraordinary meaſures for the croiſade, 104. Quarrels with Philip of France in the iſland of Sicily, 106. Is impriſoned in Germany on his return home, 107. Is ranſomed, 108. Is crowned again, *ibid.*

*Richard* II. his fruitleſs expedition to Scotland, 355. Marries Iſabella of France, 359. Is depoſed, 366. Is ſtarved, 367.

*Richmond*, J. de Bretagne, earl of, made guardian and lieutenant of Scotland, by Edward II. 233.

*Rizio*, David, is murdered by the contrivance of lord Darnley, king of Scotland, 620.

*Robert* I. king of Scotland; ſee Brus.

*Robert* II. king of Scotland; ſee Stewart.

*Robert* III. king of Scotland, his acceſſion, 358. Refuſes to be comprehended in the truce between England and France, 367. Dies of grief on the captivity of his ſon James, 377.

*Romans*, the firſt who gave us any authentic accounts of this iſland, 1. Finally deſert Britain, 12.

*Roxburgh*, its importance at the time of William the Lion king of Scotland, 93, *note*. The caſtle of ſurpriſed and demoliſhed by Robert Brus, 241. The town, caſtle, and county of, granted to Edward III. by Edward Baliol, 312. Is recovered by Sir Alexander Ramſay for David Brus, 332. The town burned, and all the Engliſh there killed, by the earls of March and Murray, 347. Is taken and deſtroyed by James II. 422. The caſtle reduced and demoliſhed, *ibid.* The ruined caſtle of, repaired and garriſoned by the duke of Somerſet, 562. Is committed to Sir Ralph Bulmer, 563.

*Ruthven*, lord, relieves Jedburgh, by order of the earl of Mar, regent, 643. Enters into a treaty with Sir William Drury for Engliſh aſſiſtance to reduce the caſtle of Edinburgh, 648.

*Rutland*, earl of, is appointed warden of the eaſt marches, 568.

*Ryden*, Mr Robert, is ſent plenipotentiary from Henry VII. to James IV. to treat of a truce, 471.



*SALERNO*, cardinal John of, the pope's legate to Scotland and Ireland, his conduct in that office, 114, *note*.

*Saliſbury*, counteſs of, captivates Edward III. at the caſtle of Wark, 333.

*Salvator*, a large ſhip built by Kennedy biſhop of St Andrews, wrecked on the Engliſh coaſt and plundered, 437.

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